

JOURNAL
OF THE
**House of
Representatives**
OF THE
STATE OF ALABAMA
SPECIAL SESSION, 1936

HELD IN THE CITY OF MONTGOMERY, COMMENCING TUES-
DAY, FEBRUARY 11, 1936



WITH AN INDEX PREPARED BY THE CLERK OF THE HOUSE
OF REPRESENTATIVES

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House of Representatives
OF
Alabama
Special Session, 1936

FIRST DAY

House of Representatives,

Montgomery, Ala., Tuesday, Feb. 11, 1936.

Be it remembered that His Excellency, Bibb Graves, Governor of Alabama, on the 8th day of February, A. D. 1936, issued his proclamation convening the Legislature of the State of Alabama into extraordinary session in words and figures as follows:

A PROCLAMATION BY THE GOVERNOR

WHEREAS, in the opinion of the Governor of the State of Alabama, an extraordinary occasion exists which demands the convening of the Legislature of Alabama in extraordinary session as prescribed by Section 122 of the Constitution of Alabama of 1901;

NOW, THEREFORE, I, Bibb Graves, as Governor of the State of Alabama, do hereby proclaim and direct that the Legislature of the State of Alabama convene in extraordinary session at the seat of Government in Montgomery, Alabama, at 10:00 A. M. on Tuesday the 11th day of February 1936, and I do hereby designate the following subjects and matters to be considered and acted upon by said Legislature in extraordinary session assembled:

1st. To provide sufficient revenue for the running of the schools and to enable the State, County and City Governments to function adequately.

2nd. To provide for the reduction in the price of private automobile licenses.

3rd. To consider such amendments to the Alabama Social Security and Labor Laws as are necessary to permit the various Social Security and Labor Departments of Alabama to function in accordance with the Federal Security and Labor program.

4th. To authorize and empower the Highway Commission, with the approval of the Governor, to make rules and regulations concerning the operation of trucks on the public roads of Alabama.

IN WITNESS WHEREOF, I have hereunto set my hand as Governor of the State of Alabama and caused the same to be attested by the Secretary of State and the Great Seal of the State affixed at the Capitol, this the 8th day of February 1936.

BIBB GRAVES, Governor.

Attest:

Howell Turner, Secretary of State.

(Seal)

Pursuant to the proclamation aforesaid, the members of the House of Representatives gathered in the Hall of the House of Representatives at 10 o'clock A. M., Tuesday, February 11, 1936.

The session was opened with prayer by Representative J. E. Hendley of Covington County.

ROLL CALL

On a call of the roll of the House the following members answered to their names:

Messrs.:

Mr. Speaker

Adams

Almon

Arnold

Austin

Bateman

Blann

Braswell

Bridges

Britton

Buffington

Bulger

Burleson

Byars

Calhoun

Carter

Castleberry

Chichester

Connor

Cook

Cox

Davis

Delony

Denson

De Vane

Dominick

Doster

Douglass

Glover

Goodwyn

Goolsby

Haley

Hall

Hamner

Hanks

Hare

Harrison

Heflin

Hendley

Henson

Hill

Hodges

Hollingsworth

Hollis

Johnston

Jones

Kelly

Kirby

Langdon

Lee (Bullock)

Lee (Monroe)

Livingston

Long

Lusk

Matthews

Miles

Miller

Moore

McDermott

McGowin

McPhaul

Norman (Bullock)

Norman (Lowndes)

Owen (Etowah)

Parish (Henry)

Parish (Pike)

Petrey

Poole

Posey (Walker)

Propst

Quarles

Reeder

Reid

Reynolds

Robertson (Cullman)

Robinson (Lowndes)

Sanderson

Shaver

Shipman

Sightler

Sparks (Barbour)	Street	Tolbert	Wallace
Sparks (Walker)	Taylor	Tompkins	Welch
Spence	Terry	Toomer	Whigham
Staples	Tidmore	Waldrep	Williams
Steele	Todd		

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A quorum was present.

CERTIFICATES OF ELECTION

The following certificates of election to fill vacancies in the House of Representatives were filed by the Secretary of State:

I, Howell Turner, Secretary of State, in accordance with the provisions of Section 516 of the Code of Alabama, do hereby certify that as shown by the returns of Election on file in this office, Pelham J. Merrill was elected Member of the House of Representatives from Cleburne County at the Special Election held in this State on Tuesday, the 17th day of December, 1935.

Witness my hand this 31st day of December, 1935.

Howell Turner,
Secretary of State.

I, Howell Turner, Secretary of State, in accordance with the provisions of Section 516 of the Code of Alabama, do hereby certify that as shown by the returns of Election on file in this office, E. C. Boswell was elected Member of the House of Representatives from Geneva County at the Special Election held in this State on Tuesday, the 17th day of December, 1935.

Witness my hand this 31st day of December, 1935.

Howell Turner,
Secretary of State.

I, Howell Turner, Secretary of State, in accordance with the provisions of Section 516 of the Code of Alabama, do hereby certify that as shown by the returns of Election on file in this office, W. C. Rayburn was elected Member of the House of Representatives from Marshall County at the Special Election held in this State on Tuesday, the 17th day of December, 1935.

Witness my hand this 31st day of December, 1935.

Howell Turner,
Secretary of State.

OATH OF OFFICE

Messrs. Merrill, Boswell and Rayburn appeared and the oath of office as members of the House of Representatives for Cleburne, Geneva and Marshall counties, respectively, was administered by the Speaker.

ELECTION OF SUBORDINATE OFFICERS

Mr. Harrison offered the following resolution:

By Mr. Harrison:

H. R. 1. BE IT RESOLVED by the House of Representatives that the following persons be elected as subordinate officers of the House of Representatives for the Extraordinary Session, 1936, of the Legislature, to-wit; J. H. Weir, Assistant Clerk; John A. Dickinson, Enrolling-Engrossing Clerk; H. A. Thompson, Doorkeeper, and N. E. Stewart, Assistant Doorkeeper.

On motion of Mr. Harrison the rules were suspended and the Resolution, H. R. 1, was adopted.

Yeas, 91; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	De Vane	Livingston	Robinson (Lowndes)
Adams	Dominick	Long	Sanderson
Almon	Doster	Lusk	Shaver
Arnold	Douglass	Matthews	Shipman
Austin	Goodwyn	Merrill	Sightler
Bateman	Haley	Miller	Sparks (Barbour)
Blann	Hall	Moore	Sparks (Walker)
Boswell	Hamner	McDermott	Staples
Bridges	Hare	McGowin	Steele
Britton	Harrison	Norman (Lowndes)	Street
Buffington	Heflin	Owen (Etowah)	Taylor
Bulger	Hendley	Parish (Henry)	Terry
Burleson	Henson	Parish (Pike)	Tidmore
Byars	Hill	Petrey	Todd
Calhoun	Hodges	Poole	Tolbert
Carter	Hollingsworth	Posey (Walker)	Tompkins
Castleberry	Hollis	Propst	Toomer
Chichester	Johnston	Quarles	Waldrep
Connor	Jones	Rayburn	Wallace
Cook	Kirby	Reeder	Welch
Cox	Langdon	Reid	Whigham
Davis	Lee (Bullock)	Reynolds	Williams
Denson	Lee (Monroe)	Robertson (Cullman)	

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OATH OF OFFICE

Messrs. Weir, Dickinson, Thompson and Stewart appeared and the oath of office as Assistant Clerk, Enrolling-Engrossing Clerk, Doorkeeper and Assistant Doorkeeper, respectively, was administered by the Speaker.

APPOINTMENT OF READING CLERK

The Speaker announced the appointment of Fred H. Gormley of Montgomery as Reading Clerk for the Special Session of 1936.

RESOLUTION

The following resolutions were introduced:

By Mr. Harrison:

H. J. R. 2. RESOLVED by the House of Representatives, the Senate concurring, that a Committee of six, consisting of three members on the part of the Senate to be appointed by the Presiding Officer of the Senate, and three members on the part of the House, to be appointed by the Speaker of the House, to wait upon the Governor of Alabama and inform him of the organization of the Legislature of Alabama and its readiness to transact public business, and to request that he deliver any communication he may have for the Legislature.

On motion of Mr. Harrison the rules were suspended and the resolution, H. J. R. 2, was adopted and the Speaker appointed as Committee on part of the House Messrs. Harrison, Denson and Sparks (Barbour).

By Mr. Harrison:

H. R. 3. RESOLVED that the Clerk of the House of Representatives inform the Senate of Alabama that the House of Representatives has perfected its organization and elected its permanent officers and is now ready for the transaction of public business; That he communicate to the Senate the names of the several members selected by the House.

On motion of Mr. Harrison the rules were suspended and the resolution, H. R. 3, was adopted.

Mr. Harrison:

H. J. R. 4.—Resolved by the House of Representatives, the Senate concurring, that there be a joint session of the House and Senate at twelve o'clock, Tuesday, February 11, 1936, in the hall of the House of Representatives, and that the Governor be invited to address the Joint Session at that hour.

On motion of Mr. Harrison the rules were suspended and the resolution, H. J. R. 4, was adopted.

By Mr. Harrison:

H. R. 5. BE IT RESOLVED by the House of Representatives, that the rules of procedure as prevailed in the Regular Session of the Legislature of 1935, be and the same are hereby adopted for the Extraordinary Session of the Legislature.

And the resolution, H. R. 5, was referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

I am directed by the Senate to notify the House that the Senate has completed its organization by re-electing and continuing in office all the elective officers and employees who were elected at the last session of the Legislature.

And is now ready for the transaction of business.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in the resolution:

H. J. R. 2. Creating a joint committee to wait upon the Governor and notify him of the organization of the Legislature and that he deliver any communication he may have for the Legislature.

Committee on part of the Senate Messrs. Fletcher, Taylor and Walton.

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the resolution:

H. J. R. 4. Relative to a joint session of the two houses twelve o'clock noon on Tuesday, February 11, 1936, in the Hall of the House.

And returns same herewith to the House.

J. E. Speight,
Secretary.

RECESS

On motion of Mr. Harrison the House recessed for a Joint Session of the House and Senate under H. J. R. 4.

JOINT SESSION

The hour of 12 o'clock noon having arrived, the Senate and House of Representatives of Alabama convened in joint session to hear an address by His Excellency, Bibb Graves, Governor of Alabama.

Lieutenant-Governor Thomas E. Knight, presiding officer of the Senate, directed the Secretary of the Senate to call the roll of the Senate and the following Senators answered to their names:

Messrs:			
Bonner	Kelly	Rogers (Mobile)	Taylor
Browder	Kuykendall	Russell	Thomas
Carlton	Locke	St. John	Tucker
Chesnut	Mixon	Simpson	Walden
Cook	Mooneyham	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Fletcher	Parrish	Stoddard	Wellborn
Glover	Riddle	Swift	Woodall
Goldsmith			

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A quorum was present.

The Speaker of the House directed the Clerk of the House to call the roll of the House and the following members answered to their names:

Messrs:			
Mr. Speaker	De Vane	Livingston	Reynolds
Adams	Dominick	Long	Robertson (Cullman)
Almon	Doster	Lusk	Robinson (Lowndes)
Arnold	Douglass	Matthews	Shaver
Austin	Glover	Merrill	Shipman
Bateman	Goodwyn	Miles	Sightler
Blann	Goolsby	Miller	Sparks (Barbour)
Boswell	Haley	Moore	Sparks (Walker)
Braswell	Hall	McDermott	Spence
Bridges	Hamner	McGowin	Staples
Britton	Hanks	McPhaul	Steele
Buffington	Hare	Norman (Bullock)	Street
Burleson	Harrison	Norman (Lowndes)	Taylor
Byars	Heflin	Owen (Etowah)	Terry
Calhoun	Hendley	Parish (Henry)	Tidmore
Carter	Henson	Parish (Pike)	Todd
Castleberry	Hill	Petrey	Tolbert
Chichester	Hodges	Poole	Tompkins
Connor	Hollis	Posey (Walker)	Toomer
Cook	Johnston	Propst	Waldrep
Cox	Jones	Quarles	Wallace
Davis	Kelly	Rayburn	Welch
Delony	Kirby	Reeder	Whigham
Denson	Langdon	Reid	Williams

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A quorum was present:

MESSAGE FROM THE GOVERNOR

His Excellency, Bibb Graves, Governor of Alabama, appeared and delivered the following Message to the Senate and House of Representatives:

Gentlemen of the Legislature:

We are here because God put it into the hearts of our people to have faith in us. That faith has put the fate of this people and the fate of Alabama in our hands.

Let us devoutly ask that He keep us worthy of that faith and that He enable us to rightly safeguard the fate of this people and that our every action be with head and heart single to their service.

In the proclamation that convenes you in Special Session it is declared that in the opinion of the Governor an extraordinary occasion exists in our State. It is your due and my privilege to outline the reasons for that opinion.

I believe that we face an early collapse of our school and health programs unless effective financial relief is promptly provided. To provide this relief is the great purpose of this session.

On yesterday I received from the State Comptroller the following report:

February 10, 1936.

Honorable Bibb Graves,
Governor of Alabama,
The Capitol.

Dear Sir:

I hand you herewith a statement of the General Fund for the fiscal year ending September 30, 1936, to-wit:

1. Appropriations:

Essential functions of Government as defined by the Supreme Court of Alabama, in the case of Abramson vs. J. H. Hard, Comptroller, Vol. 155 Southern, page 590.....	\$6,035,384.72	
2. Non-essential functions of Government as defined by the Supreme Court of Alabama in the above mentioned case, Public Schols....	3,660,516.00	
3. Other Educational Appropriations, such as University of Alabama, Alabama Polytechnic Institute, Montevallo, Normal Schools, Alabama School of Trades, etc.....	2,231,221.61	
Total Educational Appropriations.....	\$5,891,737.61	
4. Miscellaneous non-essentials as defined by Supreme Court of Alabama in case mentioned above, such as County Health Units, etc., ...	541,650.00	\$12,468,772.33

5. Revenue:

Cash balance October 1, 1935.....	755,366.97	
Estimated revenue for General Fund for fiscal year 1935-36.....	6,980,449.80	7,735,816.77
Excess General Fund Appropriations over General Fund Revenue.....		4,732,955.56
Total cash balance October 1, 1935.....		755,366.97
Estimated Revenue for General Fund fiscal year 1935-1936, paragraph "5"		6,980,449.80
Total available cash.....		7,735,816.77
Amount appropriations essential functions of Government as defined by Supreme Court, paragraph "1".....		6,035,384.72
Amount to be prorated, non-essential functions).....		1,700,432.05
Amount appropriated to non-essential functions, paragraph 2, 3, & 4.....		6,433,357.61
Percentage to be received by non-essential functions.....		26.43%
Amount appropriated to Public Schools, Par. "2".....		3,660,516.00
Amount appropriated to Higher Education, Par. "3".....		2,231,221.61
Total appropriated to Education.....	\$	5,891,737.61
Amount Public Schools to receive from General Fund (26.43%)		967,562.10
Amount Higher Institutions to receive from General Fund (26.43%)		589,711.86
Total amount Education to receive (26.43% of appropriation)		1,557,273.96
Amount Public School Appropriations reduced.....		2,692,953.90
Amount Higher Education Appropriations reduced.....		1,641,509.75
Total amount Educational Appropriation reduced.....		4,334,463.65

Under the provisions of the Budget Act the disbursements cannot exceed the total estimated Revenue. The excess appropriations over General Fund Revenue is \$4,732,955.56. If this amount is raised by additional revenue the General Fund would have no cash balance on October 1, 1936. The General Fund should have a cash balance of \$750,000.00 on hand at the close of each fiscal year. To enable this to be done it will be necessary to raise \$4,334,463.65 for Education and \$1,153,858.88 for the other non-essentials and to have a cash balance equal to the cash balance of October 1, 1935, making a total of \$5,488,322.53.

Yours very truly,
 CHAS. W. LEE,
 State Comptroller.

Surely none of us can question the necessity for the amounts fixed in the General Appropriation Bill for Education or in the Educational Appropriation Bill.

The long thorough study given these bills enabled each one of us to know and understand every item in each of them. The final vote on the General Appropriation Bill was: in the Senate 25 ayes, Nos. None. In the House 80 Ayes, Nos. None. Every vote you cast was for it and I approved it.

The final vote on the Educational Appropriation Bill was: in the Senate Ayes 30, Nos. None. In the House Ayes 95, Nos. None. Every vote you cast was for it and I approved it.

I have never known such unity on such important measures in any other instance.

I concede to each of you the same earnestness and sincerity in these deliberate actions that I assert for myself, and I do assert for myself, that I do not need any surveys or hearings to convince me that I knew what I was doing when I did it or that I meant to do what I did when I did it.

We definitely determined that the minimum necessities of education that must be paid out of the General Fund was \$3,660,516.00 for the common schools and \$2,231,221.61 for other education, and we find that education will be short this year \$2,692,953.90 for the common schools and other education will be short \$1,641,509.75. These schools can't run the balance of this year without the payment of the balance of these appropriations and I pray God that you and I will not let them stop and thereby let an annual crop of Alabama children go to waste.

When these appropriations were enacted we all knew that the money to pay them was not then provided for. When I came before you in August I asked these appropriations, stating that they would require much more money than was in sight—just how much more we did not then know and could not know definitely until ad valorem assessments were known and until the effect of the new Revenue Bill was known, that when these were known I would call you together.

Now, I report these two important items:

1st. For the year ending January 19th, last, the State Ad Valorem income decreased as compared with the previous year \$340,976.23, and there is considerable decline in assessments to be paid out on next year, but I believe these will be off-set by putting tax-sold property back on the books under the law you passed at the Regular Session. This ad valorem reduction is much greater and more harmful to the cities and counties than to the State.

2nd. The results obtained by the State Tax Commission are better than my expectations.

During its first year the Commission deposited in the Treasury more than two and one-half million dollars in excess of the amount so deposited during the preceding year, and thus far in this second year is still increasing over its own record of last year. This has cost money. Their annual salaries have increased nearly \$120,000.00 but the increased returns are more than twenty times the increased costs and much of their work that has already been completely paid for will bring results through years to come. For instance. You passed a law to put tax-sold property back on the tax books and no extra appropriation was made therefor. A letter received yesterday by the Tax Commission from the Tax Assessor of Jefferson County says in part:

"Your office has, together with the Probate Judge's office, collected up to and including the month of January approximately \$300,000.00. Of course, a great deal of these payments were paid on the four-year plan and will be coming in for three more years".

He adds that the tax valuations being placed on the books is approximately sixteen million dollars and says that in no instance has any of it been settled at any cut in amounts due, which is the rule throughout the State.

Of course, such sums as these are not counted in the net results of the Tax Commission for the funds do not come through its hands.

The Administration is being run with the utmost efficiency and economy.

The Highway Department has some two thousand employees in its three-way program, paying them about \$19.00 per month. This, of course, shows a great increase in the number of employees and pay rolls but it isn't costing the tax-payers anything. We are getting more by cooperating with the Government in this way than we could get in any other way and are carrying out our contract for matching Federal appropriations, but despite the details the aggregate costs of the large program that the Highway Department is putting over shows for the last year, salaries and wages 10.53% of the total amount of the program as against 11.98% for the preceding year.

The Convict Department, with all the overhead and management, and Board of Administration shows an increase of 81c a head a year for the number of convicts. You will recall that you abolished the Prison Inspector and I placed the duties and the expenses in the Convict Department and that I have created a Parole Board whose expenses are all paid by this Department.

The Comptroller's Office has been greatly enlarged. To the officials that it has checked, it has charged as due some \$650,000.00 of which \$249,000.00 has been collected and over \$400,000.00 placed in the hands of the Attorney General for collection. This entails

great additional work upon the Attorney General as well as upon the Comptroller's Office.

Something has been said to the effect that this administration began with some \$4,800,000.00, and having collected more than two and one-half million dollars more in the Tax Department and that the people should know what has gone with the money.

The figures \$4,800,000.00 are an injustice to my predecessor. Counting all the money in the Treasury and the State's fiscal agents, the State had \$5,237,677.72 on the 14th day of January last year. On the same day this year the State had net cash deposited in the Treasury and in its fiscal agents \$5,990,902.56, or more than three-fourths million dollars more cash at the end of the year than at the beginning.

Some of the places the money has gone: we paid \$500,000.00 extra for common schools in an appropriation you made at your last session; \$175,000.00 for free text books, and we paid the expenses of a Regular Session of the Legislature. And right there let me say, despite all the criticism of \$2.00 a day, extra clerks, etc., take the whole and not a part of it.

The Legislature in 1935 cost \$287,000.00; in 1931, \$406,000.00; and in 1927 it cost \$436,000.00. So Radio Audience, take it from your Governor that knows, this Legislature is relatively the most economical legislature in many years and absolutely one of the most efficient.

But the great answer where the money went. Note them. Since the first day of last October, up and including yesterday, the Treasurer has paid in cash to the common schools in Alabama \$5,115,889.09. For the same period one year ago it paid \$3,196,083.03. Two years ago, \$2,660,946.87. Three years ago, \$1,596,108.12. That is where the great money has gone.

Health has received \$100,000.00 more in this last annual period than in the preceding period and none of this could have been done except for the most efficient and economic administration of all the departments of government.

Despite the fact that the State is doing millions more for common schools than it has in many years, their total revenues are far short of their necessities, primarily because they have depended upon ad valorem taxes that are continuing to fall further and further behind and if we are to have the schools that we have pledged ourselves to have, the State MUST supply the major portion of the deficiencies.

In my call, you will note that I asked you to aid the counties and cities as well as the State to meet the necessities of the functioning governments.

I have given you the minimum requirements of the appropriations we have already made. You know we must do something

for the social program and I estimate it needs at least \$600,000.00 per year. On this you should convince yourself after due investigation.

Of course it is primarily your function, but the duty of us all is to provide functioning governments.

The following is all that the Graves platform of 1934 contained on the subject of taxation.

"Economy, not Taxation

The Income Tax is in our Constitution and laws by the will of the people. I will enforce it and oppose its repeal.

I will oppose the Sales Tax.

Experience and familiarity with our State's business on the one hand, and knowledge of the financial condition of our people on the other hand, are the efficient instruments whereby, when I am Governor, I will be able to balance the budget, pay the State's debts, run our schools, and operate an efficient Government by economy without further taxation.

Should conditions make this impossible, I still promise to "PAY THE DEBTS, RUN THE SCHOOLS AND PROVIDE AN EFFICIENT GOVERNMENT", and do so with the least possible burden on our people.

READ ALL OF IT. NOTE LAST PARAGRAPH."

I have never believed a general sales tax is fair. A man with a \$500.00 a year income will spend it all and the man with a \$10,000.00, will save part. The poor man you have taxed on all and the other only a part. This is neither humane nor just, but there is a fundamental difference in a luxury tax and a sales tax. If the prime necessities of life, such as bread, shoes and nails are exempt, then the bulk of the poor man's necessities is not taxed at all.

I believe that the luxury tax on everything that is not a necessity, is the principal source to which you should look. I believe that it would be wise, if in your judgment it is practicable, to go far enough to exempt homesteads from all taxes and all other advalorem of the $2\frac{1}{2}$ mills levied by the State. If these things are done, the cities and counties must be made able to function. This plan is submitted for your careful consideration. Should you exempt all properties from the $2\frac{1}{2}$ mills of State taxes, surely the franchise tax should be increased in order that foreign corporations do not escape their portion of just burden.

I further submit for your consideration a tax on natural gas and export power and amusements of all kinds.

I urge immediate action. Emergency measures, not necessarily permanent, but for relief of our temporary emergency. If a luxury tax is enacted, it should be for the term of the emergency, until about the 1st of December and then continue or not depending upon the result of referendum held at the general election in

November. Should you decide on the homestead exemption and the $2\frac{1}{2}$ mill advalorem exemption suggested, this should also be included in the November referendum.

Sincerely thanking you for the whole hearted co-operation that has continued between the Executive and the Legislative Departments of our Government and I pledge that so far as in me lies, that this will continue to the end of our journey.

I Thank you.

DISSOLUTION OF JOINT SESSION

The purpose of the Joint Session having been accomplished, the Presiding Officer, Lieutenant-Governor Knight, declared the joint session adjourned and directed the Senate to return to its Chamber.

RECONVENING OF HOUSE

The House was called to order by the Speaker.

ORDER TO PRINT

On motion of Mr. Harrison, 2,000 copies of the Message of the Governor were ordered printed for public distribution.

RECESS

On motion of Mr. Harrison, the House recessed until 2:30 P. M.

FIRST DAY—AFTERNOON SESSION

The hour of 2:30 P. M. having arrived the House reconvened.

RESOLUTION

Mr. McGowin offered the following resolution:

By Mr. Gowin:

H. R. 6. Be It Resolved by the House of Representatives of the State of Alabama, as follows:

1. That all members of this House shall, immediately and within three days after the adoption of this resolution, each register with the Clerk of this House, giving the following information: (a) His name and the county which he represents; (b) whether or not at any time during his present term of office he has accepted any

office of profit under the State, or any sub-division, county, municipality, or district; or has been, or, has accepted employment from any department, bureau, board or commission of the State government, or of any county, municipality, or district of the State; or, has received any compensation, emoluments, or reward, either directly or indirectly, from the State of Alabama, or any department, bureau, board or commission of its government, or from any county, municipality, or district of the State, this not to include Notary Publics and ex-officio Justices of the Peace; (c) the office to which he was appointed, and which he has accepted since his election to the House of Representatives; (d) the department, bureau, board or commission for which he was employed, or from which he received any compensation, emoluments, or reward; (e) the county, or municipality, or district under which he held office, or from which he received any compensation, emoluments, or reward; (f) the amount of such compensation, emoluments, or reward, and (g) the nature and character of his work and how long he had been employed, and whether he is now doing any work for the State, or any department, bureau, board, or commission, or for any county, municipality, or district in the State, and the nature and character of such work.

2. Upon receiving all such registrations, it shall be the duty of the Clerk immediately to print 500 copies of all the registrations filed with him, in pamphlet form, giving the information contained in such registration for the use of the members of the House.

And the resolution, H. R. 6, was referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Joint Resolution:

By the Rules Committee:

S. J. R. 4. BE IT RESOLVED BY THE SENATE, the House concurring, that when the two houses adjourn to-day, they adjourn to meet again Friday morning, February 14th, 1936, at ten o'clock.

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Harrison, the rules were suspended and the resolution S. J. R. 4, was adopted.

APPOINTMENT OF COMMITTEE MEMBERS

The Speaker announced appointment of the following members of House Committees:

- RULES—M. L. Robertson, Cullman.
 CRIMINAL LAWS—George B. Jones, Lauderdale, Chairman;
 E. C. Boswell, Geneva.
 PUBLIC ROADS—P. J. Merrill, Cleburne.
 CORPORATIONS—E. C. Boswell.
 BANKS AND BANKING—E. C. Boswell.
 TEMPERANCE—W. C. Rayburn, Marshall; N. D. Denson,
 Lee.
 PRIVILEGES AND ELECTIONS—W. C. Rayburn.
 MILITARY—George Quarles, Chairman, Dallas; Aubrey Dom-
 inick Tuscaloosa, Vice-Chairman; P. J. Merrill, W. C. Rayburn.
 GAME, FISH AND FISHERIES—P. J. Merrill.
 RIVERS AND NAVIGATION—W. C. Rayburn, Chairman;
 Eugene Connor, Vice-Chairman; E. C. Boswell; J. R. Wallace.
 ELEMOSYNARY INSTITUTIONS—W. C. Rayburn.
 COUNTY ORGANIZATIONS—E. C. Boswell.
 CLAIMS AND FEES—Forrest Castleberry, Chairman; T. W.
 Britton, Vice-Chairman; G. W. Posey (Walker), L. T. Henson,
 Speer Livingston.

INTRODUCTION OF BILLS

On a call of counties, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Mr. Cox (with notice and proof):

H. 1. To require the Court of County Commissioners of Chilton County, Alabama, before making any purchase of goods, wares, merchandise, machinery or supplies, for or on behalf of Chilton County, to advertise for and obtain competitive bids for the purchase of such goods, wares, merchandies, machinery or supplies in all cases where the amount of such purchase exceeds the sum of \$150.00 and to provide for the manner of giving notice of the time and place for receiving such bids, and providing the penalty for the noncompliance with the terms of this act and to require the acceptance of the lowest and best competitive bid for any such purchase.

Local Legislation No. One.

Notice and proof H. 1:

STATE OF ALABAMA,
 CHILTON COUNTY:

Notice is hereby given that a Bill will be introduced and its enactment sought, at the extraordinary session of the Legislature of Alabama to be called in 1936, which Bill is in substance, as follows, to wit:

A BILL
To Be Entitled
AN ACT

To require the Court of County Commissioners of Chilton County, Alabama, before making any purchase of goods, wares, merchandise, machinery or supplies, for or on behalf of Chilton County, to advertise for and obtain competitive bids for the purchase of such goods, wares, merchandise, machinery or supplies in all cases where the amount of such purchase exceeds the sum of \$150.00 and to provide for the manner of giving notice of the time and place for receiving such bids, and providing the penalty for the non-compliance with the terms of this act and to require the acceptance of the lowest and best competitive bid for any such purchase.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA.

SECTION 1. That after the approval of this act the Court of County Commissioners of Chilton County, Alabama, before making any purchase of goods, wares, merchandise, machinery or supplies for or on behalf of Chilton County, shall by notice, published once a week for two successive weeks in some newspaper published in Chilton County, Alabama, give notice of the specifications and amount of such goods, wares, merchandise, machinery or supplies desired to be purchased and of the time and place when sealed bids will be received for the supplying of such purchase. That at the time and place so set, such bids shall be opened in the presence of the Court and that the lowest bid shall be accepted by said Court, provided, however, that this Act shall not apply to purchases where the amount involved is \$150.00 or less.

SECTION 2. That the purchase of any goods, wares, merchandise, machinery, or supplies, for or on behalf of Chilton County, Alabama not in compliance with this provisions of this act shall be null and void, and shall not create any liability against the said Chilton County, Alabama.

SECTION 3. That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed.

EARL THOMAS,
C. B. COX.

PUBLISHERS AFFIDAVIT

STATE OF ALABAMA,
CHILTON COUNTY:

Before me, the undersigned Notary Public in and for said State and County, personally appeared Billy Smith, who being duly sworn states that he is the Publisher of the Chilton County News, a newspaper published in said county and state, and that the attached "Notice of Local Bill" was published in said newspaper for four consecutive issues, dated January 16, 1936; January 23, 1936; January 30, 1936 and February 6, 1936.

BILLY SMITH,
Publisher.

Sworn and subscribed to before me this the 8th day of February, 1936.

J. B. ATKINSON,
Notary Public.

By Mr. Cox (with notice and proof):

H. 2. To fix and determine the amount of compensation to be paid to the Members of the Court of County Commissioners of Chilton County, Alabama who are elected in the General election held

in 1936 and each election thereafter and to provide the manner of the payment thereof.

Local Legislation No. One.

Notice and proof H. 2:

STATE OF ALABAMA,
CHILTON COUNTY.

Notice is hereby given that a bill will be introduced and its enactment sought, at the extraordinary session of the Legislature of Alabama to be called in 1936, which Bill is in substance, as follows, to-wit:

A BILL
To Be Entitled
AN ACT

To fix and determine the amount of compensation to be paid to the Members of the Court of County Commissioners of Chilton County, Alabama who are elected in the General election held in 1936 and each election thereafter and to provide the manner of the payment thereof.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA.

Section 1. That the compensation of the members of the Court of County Commissioners of Chilton County, Alabama who shall be hereafter elected, beginning with the general election held in 1936 and each election thereafter shall be the sum of \$75.000 per month, payable out of the general fund of Chilton County in the manner provided by law for payment of claims against such fund. That no member of the Court of County Commissioners of Chilton County, elected at the general election in 1936 or any subsequent election, shall receive any other or further compensation on account of his services as such commissioner.

SECTION 2. That all laws and parts of laws in conflict with this act be, and the same are hereby, expressly repealed.

EARL THOMAS,
C. B. COX.

PUBLISHERS AFFIDAVIT

STATE OF ALABAMA,
CHILTON COUNTY.

Before me, the undersigned Notary Public, in and for said State and County, personally appeared Billy Smith, who being duly sworn states that he is the Publisher of the Chilton County News, a newspaper published in said County and State, and that the attached "Notice of Local Bill" was published in said newspaper for four consecutive issues, dated January 16, 1936; January 23, 1936; January 30, 1936 and February 6, 1936.

BILLY SMITH,
Publisher.

Sworn and subscribed to before me this the 8th day of February, 1936.

J. B. ATKINSON,
Notary Public.

By Mr. Cox (with notice and proof):

H. 3. To further provide for the control, making, maintenance, building and improvement of the public roads and bridges of Chilton County, Alabama; to create the office of road supervisor for

said County; to provide for his election or appointment, discharge and removal; to provide for his appointment in the event the Court of County Commissioners fail to elect; to fix his qualifications and prescribed his duties, power and authority; to provide for the manner of allowance and payment of claims against the County approved by him; to fix his compensation and expenses and manner of payment; to fix his bond and to provide for the approval of same and for the payment of the premium thereon by the County, to provide when this Act shall take effect; to provide that any section or provision of this Act being held invalid shall not effect the validity of any other section or provision; and the repeal of all laws or parts of laws in conflict with the provisions of this Act, insofar as they apply to Chilton County, Alabama.

Local Legislation No. One.

Notice and proof H. 3:

NOTICE OF LOCAL BILL

STATE OF ALABAMA,
CHILTON COUNTY.

Notice is hereby given that a Bill will be introduced and its enactment sought, at the 1936 extraordinary session of the Legislature of Alabama, which Bill is in substance, as follows, to-wit:

A BILL
To Be Entitled
AN ACT

To further provide for the control, making, maintenance, building and improvement of the public roads and bridges of Chilton County, Alabama; to create the office of road supervisor, for said County; to provide for his election or appointment, discharge and removal; to provide for his appointment in the event the Court of County Commissioners fail to elect; to fix his qualifications and prescribed his duties, power and authority; to provide for the manner of allowance and payment of claims against the County approved by him; to fix his compensation and expenses and manner of payment; to fix his bond and to provide for the approval of same and for the payment of the premium thereon by the County to provide when this Act shall take effect; to provide that any section or provision of this Act being held invalid shall not affect the validity of any other section or provision; and the repeal of all laws or parts of laws in conflict with the provision of this Act, insofar as they apply to Chilton County, Alabama.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That there is hereby created in and for said Chilton County, Alabama, the office of Road Supervisor. That said Road Supervisor shall be appointed by the Governor of Alabama, immediately upon the approval of this Act, and shall hold such office until the first Monday in February, 1939, and until his successor is elected and qualified. That if any vacancy in such office occurs before the first Monday in February 1939 such vacancy shall be filled by appointment by the Governor. That for the term beginning the first Monday in February, 1939 and each four years thereafter there shall

be elected a Road Supervisor by the Commissioners Court of Chilton County, Alabama, under this Act, and such Road Supervisor shall be elected by the Commissioner Court, Chilton County, Alabama, from a list of two or more persons whose names shall be recommended, in writing, for such position to such Court by the Judge of Probate of Chilton County, Alabama. That in the event that the Commissioner Court of Chilton County, Alabama, fail within the period of thirty days after the first Monday in February 1939, or at the beginning of any subsequent term or when a vacancy occurs in such office, as above provided, if any, to so select a Road Supervisor of Chilton County, Alabama, that then, and in that event the Governor of Alabama shall appoint such Road Supervisor to fill such vacancy.

Section 2. That the person so appointed and elected as Road Supervisor of Chilton County, Alabama, shall be a civil Engineer with at least five years experience in constructing, building and maintaining of roads and bridges and during his term of office shall devote his entire time to the duties thereof and shall during his term of office reside in Chilton County, Alabama. That before entering upon the discharge of duties of such office said Road Supervisor shall furnish good and sufficient bond executed by some Surety Company authorized to do business in Alabama in the penal sum of Five Thousand & No 100 (\$5,000.00) Dollars payable to Chilton County, Alabama to be approved by the Judge of Probate of Chilton County, Alabama and conditioned upon the faithful performance of his duties as required by law, and the premium on said bond to be paid by Chilton County, Alabama.

Section 3. That said Road Supervisor may be removed by the Commissioners Court of Chilton County, Alabama, for neglect of duty or for any other cause which is sufficient grounds of impeachment of public officers in Alabama and said removal may be effected by said Court after giving ten days notice to said Road Supervisor who shall be entitled to a copy of the charges filed against him and to a hearing thereof. Said Road Supervisor shall have the right within five days after any decision removing him from said office to appeal to the Circuit Court in Equity in which Court any such appeal shall be a preferred case.

Section 4. That the salary of said Road Supervisor shall be fixed and determined by the Commissioners Court of Chilton County, Alabama, at the time of his election or appointment and shall be not less than Two Thousand Four Hundred and No/100 (\$2,400.00) Dollars per annum nor more than \$3,000.00 per annum. That in the event said Commissioners Court fails to fix and determine the amount of said salary, as above prescribed, same is hereby fixed at the sum of Two Thousand Four Hundred \$2,400 Dollars per annum.

Section 5. That the duty and authority as to the building, maintenance or repairing of public roads and bridges in Chilton County, Alabama, be and the same is hereby vested in said Road Supervisor, subject only to the control of said Commissioners Court of Chilton County, Alabama, as herein set forth. And to that end said Road Supervisor is given the duty, power and authority to employ or hire teams, machines, trucks and all necessary employees, laborers or helpers to properly construct, maintain and repair the roads and bridges of said County. That said Supervisor shall not employ as an employee, laborer or helper under this Act any person related either to him or any official of Chilton County, Alabama, by blood or marriage within the second degree. All materials, machinery, equipment and necessary supplies needed for the construction, maintenance or repair of the public roads and bridges of Chilton County, Alabama, shall be purchased only after written requisition therefor, by the Road Supervisor, which requisition shall be in writing, and stating the amount, quality and nature thereof and shall be filed with the Commissioners Court by said Road Supervisor and approved by the Judge of Probate of said County. That upon the filing and approval of such req-

acquisition it shall be the duty of said Commissioners Court within the limits as provided by this act to make purchase of such materials, machinery, equipment and necessary supplies and same shall be paid for by said Commissioners Court out of any funds available for that purpose, other than the general funds of said County, but only upon proper claim filed and approved by said Road Supervisor.

It shall be the duty of said Road Supervisor to inspect all material, machinery, equipment and supplies purchased by Chilton County for the use on public roads and bridges when the same delivered in Chilton County, and same shall not be accepted without first having been approved by him.

Section 6. That said Road Supervisor shall be the custodian of all machinery, equipment, supplies or materials owned by the County under this act and shall be required and liable to account therefor to the Commissioners Court of Chilton County, Alabama, upon written demand by them, and shall render an account therefor at the expiration of his term of office.

Section 7. That it shall be the duty of said Road Supervisor, as soon as possible after his election or appointment to make a map of the road system of Chilton County and divide said County into road districts. That the same shall be divided so that at least each beat in said County is a separate district and may be divided into a larger number of road districts if deemed advisable by said Road Supervisor. That such Road Supervisor shall classify and number each of the roads in said County and it shall be the duty of said road supervisor to see that as equitability as possible an equal amount of funds of said County is expended in each of said districts having regard to the area and population served thereby. That within ten days after the end of each calendar month said Road Supervisor shall file with the Commissioners Court of Chilton County, Alabama, an itemized statement showing the amount of funds expended on the roads of each of said districts for the preceding month, showing the amount expended for labor and the amounts expended for material and the nature and quantity thereof.

Section 8. That the authority of said Road Supervisor shall be limited to the expenditure of such funds for the purpose of construction, maintainance or repairs of the public highways and bridges of Chilton County as may be set aside and appropriated by the Commissioners Court of Chilton County, Alabama, as hereinafter provided. That within one month preceeding the first Monday in February, May and August and November the Commissioners Court of Chilton County, Alabama, shall by order or resolution spread upon the minutes of said Court fix and determine the amount of funds which will be available for the purpose of building, maintaining and constructing the public roads of Chilton County for the following three months period, and which amount, other than the salary of the said Road Supervisor and his necessary expenses shall not be exceeded by him in constructing, maintaining or repairing the public roads in Chilton County during said period, provided however, that said Commissioners Court is authorized from time to time within any such period to increase the amount so allowed to be expended by said Road Supervisor during any such period.

Section 9. That no funds of Chilton County, Alabama, shall be expended or any liability created against said County on account of the construction, maintenance or repairs of the public roads and bridges of Chilton County, Alabama, for supervision, labor, supplies, machinery or equipment in any other manner than is provided by the terms of this act.

Section 10. That said road Supervisor shall be furnished an office and all necessary office supplies and shall be furnished with all necessary transportation in the connection with the performance of his duty under this act which expense for transportation shall not exceed one hundred & No/100 (\$100.00) Dollars per month and that the salary and expense of said Road Supervisor shall be paid monthly by warrant drawn upon funds of Chilton County avail-

able road purposes, and if no such funds are available then the same shall be paid by warrant drawn upon the General Funds of said County.

Section 11. That all laws and parts of laws in conflict herewith be and the same are repealed.

Section 12. That if any paragraph or part of this Act shall be declared to be unconstitutional, it shall not affect any other part or parts hereof.

EARL THOMAS,
C. B. COX.

PUBLISHERS AFFIDAVIT

STATE OF ALABAMA, CHILTON COUNTY:

Before me, the undersigned Notary Public in and for said State and county, personally appeared Billy Smith, who being duly sworn, states that he is the Publisher of the Chilton County News, a newspaper published in said state and county and that the attached Notice of Local Bill, was published in said newspaper for four consecutive issues, dated January 16, 1936; January 23, 1936; January 30, 1936 and February 6, 1936.

Bill Smith, Publisher.

Sworn to and subscribed to before me this the 8th day of February, 1936.

J. B. Atkinson, Notary Public.

By Mr. Castleberry:

H. 4. To promote temperance and prosperity and to encourage the growing of grapes, fruits and berries in Alabama; to legalize the making and selling of light domestic wines.

Temperance.

By Mr. Quarles:

H. 5. To amend section 1 of an act, entitled, AN ACT, To Provide for and Regulate and control Primary elections for the nomination by Political Parties of Candidates for Public Office within The State of Alabama; Approved February 25, 1931.

Privileges and Elections.

By Mr. Hamner:

H. 6. In reference to and to further provide for the general revenue of the State of Alabama.

Ways and Means.

By Mr. Lusk:

H. 7. To Amend Section 370-A of an Act Entitled "An Act to Provide for the General Revenue of the State of Alabama", Approved July 10, 1935.

Ways and Means.

By Mr. Owen (Etowah):

H. 8. To Amend Section 161-A of An Act "To Provide for the General Revenue of the State of Alabama", approved July 10, 1935.

Ways and Means.

By Mr. Kelly:

H. 9. A Bill to be entitled an Act, to provide and submit to the qualified electors of the State of Alabama, at the next general election to be held on the First Tuesday after the First Monday of November, 1936, an amendment to the Constitution of the State of Alabama, amending SECTION 49 of ARTICLE Four.

Be it Enacted by the Legislature of Alabama:

SECTION 1. That the following amendment to the Constitution of the State of Alabama be, and the same is hereby proposed, and an election by the qualified electors of the State is hereby ordered upon such proposed amendment and the day appointed for such election is the First Tuesday after the First Monday of November, 1936, which proposed amendment is as follows:

SECTION 49—The pay of the members of the Legislature shall be Eight (\$8.00) Dollars per day, and ten cents per mile in going to and returning from the seat of government, to be computed by the nearest usual route traveled, and no other compensation, remuneration or emoluments shall be paid any member.

SECTION 2. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper, once a week, in each county in the State, for four successive weeks next preceding the day hereby appointed for such election. There shall be printed on the official ballot for such election, the proposed amendment, which shall be immediately or as nearly so as possible, under the words, "Shall the following be adopted as Section Forty-nine (49) of Article Four (4) of the Constitution of the State of Alabama, and immediately following the proposed amendment shall be printed the following words, "Yes..... No....." The choice of the elector shall be indicated on such ballot by a cross-mark made by the elector, or under the direction of the elector, opposite the word expressing the elector's choice or desire.

SECTION 3. The officers to hold such election shall be appointed in the same manner and by the same officials as is now provided by the election laws in this State, and the election shall be held in all things in accordance with the provisions of this Act, and the law governing general elections and the Constitutional provisions governing the adoption of amendments to the Constitution.

SECTION 4. The votes cast at such election shall be canvassed, tabulated and return thereof made to the Secretary of State, and counted in the same manner as in elections for Representatives to the Legislature, and if it shall be determined from such canvass of the returns of such election, that a majority of the qualified electors who voted at such election upon the proposed amendment, voted in favor of adopting the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State

of Alabama, and the result of such election shall be made known by proclamation of the Governor in the manner as now provided by law in this State.

The above and foregoing bill, H. 9, proposing an amendment to the Constitution, was read one time at length and referred to the Standing Committee on Constitution and Constitutional Amendments.

By Mr. Kelly:

H. 10. A Bill to be entitled an Act to provide and submit to the qualified electors of the State of Alabama, at the general election to be held on the First Tuesday after the First Monday of November, 1936, for their consideration an amendment to Constitution of Alabama, amending Sections 197 and 198 of Article Nine, and annulling Sections 199, 200, 201, 202 and 203 of said ARTICLE NINE.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of the State of Alabama be, and the same is hereby proposed, and an election by the qualified electors of the State is hereby ordered upon such proposed amendment, and the day appointed for such election is the First Tuesday after the First Monday of November, 1936, which said amendment is as follows: SECTION 197—The number of Senators shall be Twenty-five (25) and shall be residents of and elected from the several Congressional Districts of Alabama, as follows—Three from each Congressional District, except the Ninth (9) Congressional District shall be entitled and shall elect but one. No Two Senators shall reside in or be elected from the same county. SECTION 198—The House of Representatives shall consist of not more than Seventy-one (71) members, unless new counties are created, in which event each new county shall be entitled to elect one representative. One member of the House of Representatives shall be elected from each county in this State; provided the county of Jefferson shall be entitled to elect Three members and the counties of Mobile and Montgomery shall each be entitled to elect Two members, and each member of the House of Representatives shall be a resident citizen of the county in which such representatives is elected. That Sections 199, 200, 201, 202 and 203 of Article Nine (9) be annulled and set aside.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper, once a week, in each county in the State, for at least Four successive weeks, next preceding the date hereby appointed for such election. On the official ballot for such election shall be printed the proposed amendment, which shall be immediately under the words,

"Shall the following be adopted as an amendment to the Constitution of Alabama?"

SECTION 197. The number of Senators shall be Twenty-five (25) and shall be residents of and elected from the several Congressional Districts of Alabama, as follows—Three Senators shall be elected from each Congressional District, except, the Ninth Congressional District shall be entitled to and shall elect but one Senator. No Two Senators shall reside in or be elected from the same county.

SECTION 198. The House of Representatives shall consist of not more than Seventy-one (71) members, unless new counties are created, in which event, each new county shall be entitled to and shall elect one representative. One member of the House of Representatives shall be elected in each county in this State; provided the county of Jefferson shall be entitled to and shall elect three representatives, and the counties of Mobile and Montgomery shall each be entitled to and shall elect Two representatives, and each member of the House of Representatives shall be a resident citizen of the county in which such representative is elected. That Sections 199, 200, 201, 202 and 203 of ARTICLE NINE be annulled and set aside, and immediately following the proposed amendment shall be printed the following words, "Yes..... No....." The choice of the elector shall be indicated by a cross-mark made by the elector, or under the elector's direction, opposite the word expressing the elector's choice or desire.

Section 3. The officers to hold such election shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to elections in this State, and the election shall be held in all things in accordance with the provisions of this Act, the law governing general elections and the Constitutional provisions concerning Amendments to the Constitution.

SECTION 4. The votes cast at such election shall be canvassed, tabulated and return thereof made to the Secretary of State and counted in the same manner as in elections for Representatives to the Legislature, and if it shall appear from such canvass of the returns of said election, that a majority of the qualified electors who voted at such election upon the proposed amendment, voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama, and the result of such elections shall be made known by proclamation of the Governor in the manner now provided by law.

The above and foregoing bill, H. 10, proposing an amendment to the Constitution, was read one time at length and referred to the Standing Committee on Constitution and Constitutional Amendments.

By Mr. Kelly:

H. 11. A bill to be entitled an Act, to provide and submit to the qualified electors of the State of Alabama, at the General Election to be held on the First Tuesday after the First Monday of November 1936, for their consideration an amendment to the Constitution of Alabama to be known and designated as ARTICLE _____, providing that the State Department of Public Education and/or Public Schools of Alabama, shall be deemed and declared a Primary Department of the State Government of Alabama, and shall be on a parity with all other Primary Departments of the State of Alabama in the proration and disbursement of the General Revenues of this State, and all appropriations made or which may hereafter be made to the State Board of Education, for the support, maintenance and operation of the Public Schools of the State of Alabama, including all Elementary Schools, Junior High and Senior High schools, all Normal and Teacher Training schools, all Industrial and Vocational schools, Alabama Polytechnic Institute and the University of Alabama, and all other State Institutions of learning of whatever name known, shall be paid pro rata and in the same manner as other appropriations are paid to the other Primary Departments of the State Government of Alabama.

Be it Enacted by the Legislature of Alabama:

SECTION 1. That the following amendment to the Constitution of the State of Alabama, to be known and designated as ARTICLE _____, be and the same is hereby proposed, and an election by the qualified electors of the State is hereby ordered upon the proposed amendment and the day for holding such election is hereby fixed and appointed as the First Tuesday after the First Monday of November 1936, which proposed amendment is as follows: ARTICLE _____. The State Department of Public Education and/or Public Schools of Alabama shall be deemed and the same is hereby made a Primary Department of the Government of the State of Alabama, and shall be on a parity with all other Primary Departments of the State of Alabama, in the proration and disbursement of the General Revenues of the State and all appropriations heretofore made or hereafter made to the State Board of Education, for the support, maintenance and operation of the Public Schools of the State of Alabama, including all Elementary schools, Junior High schools, Senior High Schools, all Normal and Teacher Training schools, all Industrial and Vocational schools, Alabama Polytechnic Institute, the University of Alabama, and other State Institutions of Learning which are or may hereafter be included in the Public School System of the State of Alabama, shall be paid pro rata in the same manner as other appropriations are paid to the other Primary Departments of the State Government of Alabama.

SECTION 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in each county in the State for Four successive weeks next preceding the date hereby appointed for such election. On the official ballot for such election shall be printed the proposed amendment immediately succeeding the words, "Shall the following be adopted as ARTICLE_____ of the Constitution of Alabama?" Immediately after the proposed amendment shall be printed the following: "Yes_____, No_____." The choice of the elector shall be indicated by a cross-mark made by such elector or under such elector's direction opposite the word expressing such elector's desire.

SECTION 3. The officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State and the election shall be held in all things in accordance with this Act, the laws governing general elections and the Constitutional provisions governing the adoptions of amendments to the Constitution of Alabama.

SECTION 4. The votes cast at such election shall be canvassed, and tabulated and returns thereof made to the Secretary of State, and counted in the same manner as in elections for Representatives to the Legislature; if it shall thereupon appear that a majority of the qualified electors who voted in such election upon the proposed amendment voted in favor of same such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by proclamation of the Governor.

The above and foregoing bill, H. 11, proposing an amendment to the Constitution, was read one time at length and referred to the Standing Committee on Constitution and Constitutional Amendments.

By Mr. Kelly:

H. 12. To amend Schedule 158.1 of Chapter 6, Article 13, of House Bill No. 324, approved July 10th, 1935.

Ways and Means.

By Mr. Kelly:

H. 13. To appropriate the sum of Fifteen Thousand (\$15,000.00) Dollars for the relief of the Town of Lineville, Clay County, Alabama.

Appropriations.

By Mr. Waldrep:

H. 14. To repeal an act entitled "An Act to Revise and Amend 'An Act to Revise and Amend chapter 224 of the code of 1907' approved September 29, 1923" approved September 9, 1935.

Judiciary.

By Mr. Waldrep:

H. 15. To provide that all public printing and binding, blank books, record books, ruled and printed blanks, stationery and/or any other printed supplies and office supplies required for the use of or done for the several state officers and/or the executive, legislative and judicial departments of the State government; county governing boards and/or officers; governing boards and/or officers and employees of cities and towns, and all public institutions, schools, colleges and other institutions supported wholly or partly by state, county or city appropriations shall be contracted for or purchased from bona fide printers and/or stationers, whose principal place of business is located within the State of Alabama; and all work contracted in its entirety in the State of Alabama; to provide a penalty for violation of its provisions; to provide that, in case any provision or portion shall be held unconstitutional, such holding shall not affect any other section, clause, provision or portion, which is not itself unconstitutional; and to repeal all laws or parts of laws in conflict therewith.

Public Printing.

By Mr. Waldrep:

H. 16. To amend Section 1 of Schedule 159 of Chapter 5 of Article XIII of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

Ways and Means.

By Mr. Hendley:

H. 17. In reference to and to further provide for the general revenue of the State of Alabama.

Ways and Means.

By Mr. Calhoun:

H. 18. To amend Article XIII, Chapter 1, Section 348, Schedule 104 of the General Revenue Law of 1935 entitled "An Act to provide for the general revenue of the State of Alabama."

Ways and Means.

By Mr. Harrison:

H. 19. To amend Schedule 158.1, of Chapter 6, Article 13, of an Act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935, and as amended September 21, 1935.

Ways and Means.

By Mr. Harrison:

H. 20. To amend Section 31 of an Act entitled "An Act to provide for the General Revenue of the State of Alabama".

Ways and Means.

By Mr. Harrison:

H. 21. In reference to and to further provide for the general revenue of the State of Alabama.

Ways and Means.

By Mr. Harrison:

H. 22. To amend Section 142 of An Act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

Ways and Means.

By Mr. Chichester:

H. 23. To amend Section 38 of an act entitled, "An Act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

Ways and Means.

By Mr. Chichester:

H. 24. To amend an act entitled, "An act to amend Section 269 of an act entitled 'An act to provide for the general revenue of the State of Alabama' approved July 10th, 1935", approved September 4th, 1935.

Ways and Means.

By Mr. Chichester:

H. 25. To amend Section 291 of an act entitled, "An Act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

Ways and Means.

By Mr. Chichester:

H. 26. To amend Section 12 of an act entitled, "An Act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

Ways and Means.

By Mr. Chichester:

H. 27. To amend Section VIII of an Act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative and Judicial Departments of the State, for the interest on the public debt, and for the public schools".

Appropriations.

By Mr. Chichester:

H. 28. In reference to and to further provide for the general revenue of the State of Alabama.

Ways and Means.

By Mr. Adams:

H. 29. To amend the title and section 3 of an act of the Legislature of 1935, approved August 27, 1935, and entitled "An Act Declaring A State And National Emergency To Exist Affecting The Service Trades Within The State of Alabama, Declaring The Necessity For Ordinances providing for fair competition among service trade; declaring this Act an Emergency Measure; authorizing the governing bodies of all cities of this state whose population is not less than 60,000 nor more than 250,000 according to the last or any subsequent federal census to enact or repeal such ordinances providing for fair competition among those trades wherein services are rendered to the public without the sale of merchandise as such except as a mere incident to such service; providing for the application to the governing bodies of such cities for the establishment of ordinances providing for fair competition, and providing a penalty for violation of provision of ordinances so adopted."

Local Legislation No. Two.

By Mr. Connor:

H. 30. To amend an act entitled "To regulate the manufacture for sale, the transportation, sale and possession of cereal beverages, in which hops, malt, or other light ingredients are used, containing not more than one-half of one per cent alcohol," passed October 6, 1932; and to define "Cereal Beverages"; to provide the manner in which counties may prohibit the manufacture, brewing, sale and distribution of cereal beverages; and to provide penalties for the violation of the provisions of this act.

Temperance.

By Mr. Connor:

H. 31. To provide for the raising of public revenue by imposing privilege taxes on the manufacture and sale of cereal beverages of an alcoholic content of not more than 3.2, percentum by weight; to provide for the imposing, levying and assessing of excise and privilege taxes on dealers of such cereal beverages and provide for the collection of such taxes; to provide for the issuance of permits and licenses, to engage in the businesses taxed by this act; to empower the Chairman of the State Tax Commission to prescribe rules and regulations for the enforcement of this Act; to provide for the keeping of records relating to distribution and sale of such cereal beverages and to provide penalties for the violation of the provisions of this Act; and to appropriate funds for the purpose of carrying out the provisions of this Act.

Temperance.

By Mr. Connor:

H. 32. A bill to be entitled "An Act to propose an amendment to Section 59 of Article 4 of the Constitution of Alabama of 1901, and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held at the next regular general election after the final adjournment of the present session of the Legislature at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 59 of Article IV of the Constitution of the State of Alabama of 1901, is hereby proposed so as to make said section read as follows:

"Section 59. No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any office of profit under this State, or any governmental subdivision thereof; nor shall any Senator or Representative, during the term for which he shall have been elected, receive any compensation, directly or indirectly, from the State of Alabama, or any department, bureau, board or commission thereof, nor from any county, municipality, or district of the State. The acceptance of any appointive office, or the receipt of any compensation in this Section prohibited, by any Senator or Representative shall vacate his office, and he shall no longer be a member of the Legislature of Alabama, and shall not be permitted to attend its sessions, nor vote upon any measure; and his name shall be stricken from the roll of the Senate, or of the House, of which ever he may be a member; and neither the Senate nor the House of Representatives shall have the power, under the authority in this Constitution given it to pass upon the qualifications of its membership, to seat or reinstate any Senator or Representative who violates this Section. Any Senator or Representative may, during the term for which he shall have been elected, be a candidate for any office to be filled by election of the people, and accept the election to any office by the people, but an acceptance of such office shall be a vacation of his office as Senator or Representative."

Section 2. That an election be held upon this proposed amendment at the next general regular election of the State of Alabama, to be held after the adjournment of this session of the Legislature.

Section 3. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in every County in the State, for at least four successive weeks, next preceding the day hereby appointed for such election.

Section 4. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment; and on the official ballot provided for such election, there shall be printed the following, namely: "Shall the following be

adopted as an amendment to Section 59 of the Constitution of Alabama so as to make said Section read as follows:”

“Section 59. No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any office of profit under this State, or any governmental sub-division thereof; nor shall any Senator or Representative, during the term for which he shall have been elected, receive any compensation, directly or indirectly, from the State of Alabama, or any department, bureau, board or commission thereof, nor from any county, municipality, or district of the State. The acceptance of any appointive office, or the receipt of any compensation in this Section prohibited, by any Senator or Representative shall vacate his office, and he shall no longer be a member of the Legislature of Alabama, and shall not be permitted to attend its sessions, nor vote upon any measure; and his name shall be stricken from the roll of the Senate, or of the House, of which ever he may be a member; and neither the Senate nor the House of Representatives shall have the power, under the authority in this Constitution given it to pass upon the qualifications of its membership, to seat or reinstate any Senator or Representative who violates this Section. Any Senator or Representative may, during the term for which he shall have been elected, be a candidate for any office to be filled by election of the people, and accept the election to any office by the people, but an acceptance of such office shall be a vacation of his office as Senator or Representative.”

Yes_____

No_____

Section 5. The officers of said election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State and the election shall be held in all things in accordance with this Act, the law governing elections and the constitutional provisions concerning amendments to the Constitution.

Section 6. The votes cast at such election shall be canvassed, tabulated and return thereof made to the Secretary of State, and counted in the same manner, as in elections for Representatives to the Legislature; and if it shall appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

The above and foregoing bill, H. 32, proposing an amendment to the Constitution, was read one time at length and referred to

the Standing Committee on Constitution and Constitutional Amendments.

By Mr. Connor:

H. 33. To amend sub-section 2, of Section 2, of an act entitled, "An Act to authorize and provide for the establishment of a fund to be known as the Minimum Program Fund, and to define procedure to be used in apportioning the Minimum School Fund for the elementary and high schools in the various counties and cities of the state." Approved Sept. 2, 1935.

Education.

By Mr. Connor:

H. 34. To amend Section 3190 of the code of Alabama of 1923 and to provide punishment for the offense of kidnapping.

Judiciary.

By Mr. Connor:

H. 35. To repeal an Act entitled, "An Act to provide for the public safety; to regulate the operation of motor vehicles on the public highways; to provide for the registration and licensing of drivers or operators of motor vehicles and to fix the fees therefor; to authorize the State Highway Commission, with the approval of the Governor, to establish and promulgate reasonable rules and regulations concerning the operation of motor vehicles; to provide punishment and penalties for the violation of the provisions of this Act and of the rules and regulations authorized hereby; to provide for the suspension and revocation of drivers' licenses issued; to authorize the appointment or employment of the necessary officers and agents, and the purchase of the necessary equipment to make the provisions hereof effective; to provide for the compensation of the officers and agents so employed;" Approved September 2, 1935; and to provide for the disposition of all property acquired by the state under the provisions of said Act and all funds which have been paid into the State Treasury in compliance with the provisions of said Act.

Public Roads and Highways.

By Mr. Connor:

H. 36. To amend an act entitled "An Act to make appropriation for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt, and for the public schools "approved Sept. 6, 1935 be amended by striking out of Section 1 of said bill the following appropriation" Governor's Emergency appropriations \$100,000.00 and transferring all of the unexpended amount of said fund to the Educational Trust Fund.

Appropriations.

By Mr. Connor:

H. 37. To amend Section 1 of Schedule 158.1 of Article XIII, Chapter 5 of an act entitled, "To provide for the general revenue of the State of Alabama," approved July 10, 1935.

Ways and Means.

By Mr. Douglass:

H. 38. A bill to be entitled An Act to propose an amendment to the Constitution of Alabama to be known and designated as Article XXIV thereof, to declare public education to be an essential and primary function of government, and to provide that the Legislature shall from time to time, in addition to funds specifically set aside for educational purposes, and in such a manner as in its opinion will encourage local initiative and support, appropriate monies out of the State treasury for educational purposes which shall be paid on the same basis, or proportionately as, all other appropriations made by the legislature are paid, except appropriations for the payment of principal and interest of the public debt.

Be it enacted by the Legislature of Alabama:

Section 1. That an amendment to the Constitution of the State of Alabama to known as Article _____ is hereby proposed, the proposed amendment being as follows:

Article XXIV. (Public education is hereby declared to be an essential and primary function of government in this State). The legislature shall from time to time, in addition to funds specifically set aside for educational purposes, and in such a manner as in its opinion will encourage local initiative and support, and equalize educational opportunity appropriate monies out of the State treasury for educational purposes which shall be paid on the same basis, or proportionately as, all other appropriations made by the legislature are paid, except appropriations for the payment of principal and interest of the public debt.

Section 2. An election by the qualified electors of the State upon such proposed amendment is hereby ordered by the qualified electors of the State of Alabama, and the day hereby appointed for such election is the first Tuesday next after the expiration of ninety days from and after the final adjournment of the session of the Legislature at which this amendment is proposed. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor which shall be published in one newspaper once a week in every County in the State for four successive weeks next preceding the day appointed for such election.

Section 3. At the election hereby ordered to be held the qualified electors shall vote on said proposed amendment; and on the official ballot printed for such election there shall be printed the

following, viz: "Shall the following be adopted as Article_____ of the Constitution of Alabama?" This shall be followed by setting out said proposed amendment verbatim and in extenso, and thereupon there shall be placed on said ballot the words:

"Yes"_____"

"No"_____"

The choice of the elector shall be indicated by a cross-mark made by him or under his direction expressing his desire.

Section 4. Officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State, and the election shall be held in all things in accordance with this Act, the law governing general elections, and the Constitutional provisions amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated, and returns thereof made to the Secretary of State in the same manner as in elections of representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at said election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

The above and foregoing bill, H. 38, proposing an amendment to the Constitution, was read one time at length and referred to the Standing Committee on Constitution and Constitutional Amendments.

By Mr. Denson:

H. 39. To amend Section 6667 of the Code of Alabama of 1923, so as to provide that the Circuit Courts of the several counties of the State shall be open for the transaction of business at all times.

Judiciary.

By Mr. Toomer:

H. 40. To authorize and empower cities of more than twenty-five hundred population, according to the last Federal Census, where no city Board of Education exists, to sell and dispose of property formerly owned and used for educational purposes but which is no longer used or useful for educational purposes.

Ways and Means.

By Mr. Hill:

H. 41. To amend Schedule 123 of Section 348 of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Ways and Means.

By Mr. Hill:

H. 42. To amend Section 48 of the Alabama Highway Code of 1927.

Public Roads and Highways.

By Mr. Taylor:

H. 43. In reference to and to further provide for the general revenue of the State of Alabama.

Temperance.

By Mr. McDermott:

H. 44. To provide for and fix the time within which real estate sold for city or town taxes prior to January 1, 1936 and bought in at such sale by the city or town may be redeemed upon installments and without the payment of interest or penalties, and to repeal all laws in conflict therewith.

Municipal Organization.

By Mr. McDermott:

H. 45. To amend Section 291 of an Act entitled "An Act to provide for the General Revenue of the State of Alabama", approved July 10th, 1935 and known as House Bill No. 324, relating to the redemption of real estate sold for taxes and bid in by the State at Tax Sale.

Ways and Means.

By Mr. McDermott:

H. 46. To amend Section 202 of an Act entitled "An Act to provide for the General Revenue of the State of Alabama, approved July 10th, 1935 and known as House Bill No. 324, relating to the final settlement of Tax Collectors.

Ways and Means.

By Mr. McDermott:

H. 47. To amend Section 195 of an act entitled "An Act to provide for the general Revenue of the State of Alabama" approved July 10th, 1935 and known as House Bill No. 324, relating to the final settlement of Tax Collectors.

Ways and Means.

By Mr. McDermott:

H. 48. To provide a lien for laundering, cleaning, pressing and mending or otherwise renovating wearing apparel, household linens and articles of like kind, including hats and shoes, and to prescribe the manner of the enforcement of such lien.

Judiciary.

By Mr. Davis:

H. 49. To legalize, regulate and control the manufacture and sale of spiritous, vinous and malt liquors by and through a Board to be composed of three members and to be known as the State Beverage Control Board; to provide for the appointment, removal and compensation of the members of such Board and the expenses of the administration of this act, to authorize such Board to establish, maintain and operate State Stores for the sale of such liquors; to provide for licensing the sale of beer under local option with each County as a unit; to impose excise taxes upon all persons licensed to sell beer; to authorize hotels and restaurants to dispense such liquors in any form with meals, to provide for licensing such Hotels and Restaurants and for an excise tax for such license; to appropriate money for the administration of the act and to provide for the disposition of the money received from such manufacture and sale; to provide for the confiscation and disposition of articles declared contraband under this act; to impose penalties for a violation of this act, and to repeal all laws in conflict with this act, and for other similar purposes; to provide for payment of a portion of the profits of such sale of such to each County and to all Cities of not less than 4000 population and to provide for a referendum for the approval or rejection of such legislation to the electors, at the general election to be held in November 1936.

Temperance.

By Mr. Langdon (with notice and proof):

H. 50. To authorize the Board of County Commissioners, or like governing body of Pickens County, Alabama, to levy and collect a privilege tax on all persons, corporations, co-partnerships, companies, agencies, associations and refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naphtha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil", "fuel oil", or "crude oil", commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; to authorize said Board of County Commissioners, or like governing body, of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; to make provisions for the distribution of the funds derived from said privilege tax; to prohibit any incorporated city or town in said county from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels on a quantity basis; to repeal the municipal privilege, excise and/or license taxes on gasoline, Woco Pep, or any other motor fuel used by self-propelled vehicles which

may now be collected or levied by any incorporated city or town in said County; to provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; to repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective.

Local Legislation No. One.

Notice and proof H. 50:

NOTICE OF PUBLICATION

Notice is hereby given that at a special or extra session of the Alabama Legislature to be called for January or subsequent date in 1936, a local bill for Pickens County will be introduced for passage, in substance as follows:

AN ACT

To authorize the Board of County Commissioners, or like governing body, of Pickens County, Ala., to levy and collect a privilege tax on all persons, corporations, co-partnerships, companies, agencies, associations and refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naptha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil," fuel oil, or crude oil, commonly used for lighting, heating or industrial purposes, not to exceed one per cent per gallon;

To authorize said Board of County Commissioners, or like governing body, of said county to provide the necessary rules and regulations and machinery for the collection of said privilege tax;

To make provisions for the distribution of the funds derived from said privilege tax; to prohibit any incorporated city or town in said county from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels on a quantity basis.

To repeal the municipal privileges, excise and or license taxes on gasoline, Woco Pep, or any other motor fuel used by self propelled vehicles which may now be collected or levied by any incorporated city or town in said county.

To provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; to repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective.

ROBERT LANGDON,
Representative.

11-21-4t

PROOF OF PUBLICATION

THE STATE OF ALABAMA,
PICKENS COUNTY.

Before me, Jack M. Pratt, a Notary Public in and for said County, personally appeared Thalia F. Pratt, Publisher of The Pickens County Herald & West Alabamian, a newspaper published in said County, who, being by me first

duly sworn, states that the attached notice has been regularly published once a week for four consecutive weeks in said paper in issues dates as follows.

November 21, 1935; November 28, 1935; December 5, 1935; December 12, 1935.

Thalia F. Pratt.

Subscribed and sworn to before me, this the 21st day of January, 1936.

Jack M. Pratt, Notary Public.

By Mr. Langdon (with notice and proof):

H. 51. To repeal an Act entitled, "To provide for the payment in Pickens County, Alabama, of a license or privilege tax on gasoline and other motor fuel and to provide for the collection thereof and penalties for violation thereof".

Local Legislation No. One.

Notice and proof H. 51:

NOTICE OF PUBLICATION

Notice is hereby given that the following proposed Act of the Legislature of Alabama will be offered for enactment at a special or extra session of the Legislature of Alabama to be called to meet in January, 1936, or some subsequent date in said year:

AN ACT

To repeal an Act entitled, "To provide for the payment in Pickens County, Ala., of a License or Privilege Tax on Gasoline and Other Motor Fuel and to Provide for the collection thereof and penalties for violation thereof."

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

That an act entitled, An Act to provide for the payment in Pickens County, Alabama, of a license or privilege tax on gasoline and other motor fuel and to provide for the collection thereof and penalties for violation thereof, which said act became a law under section 125 of the Constitution of Alabama, 1927, be and the same is hereby repealed.

11-21-4t.

Robert Langdon, Representative.

PROOF OF PUBLICATION

THE STATE OF ALABAMA, PICKENS COUNTY.

Before me, Jack M. Pratt, a Notary Public in and said County, personally appeared Thalia F. Pratt, Publisher of The Pickens County Herald & West Alabamian, a newspaper published in said County, who, being by me first duly sworn, states that the attached notice has been regularly published once a week for four consecutive weeks in said paper in issues dates as follows.

November 21, 1935; November 28, 1935; December 5, 1935; December 12, 1935.

Thalia F. Pratt.

Subscribed and sworn to before me, this the 21st day of January, 1936.

Jack M. Pratt, Notary Public.

By Mr. Langdon (with notice and proof):

H. 52. To authorize and provide for the payment of the sum of Two hundred and fifty dollars (\$250.00) for the relief of James W. Carpenter of Reform, Alabama, Pickens County who was injured on the 20th day of September 1934, while being transported to work for said County.

Local Legislation No. One.

Notice and proof H. 52:

NOTICE OF PUBLICATION

Notice is hereby given that the following proposed Act of the Legislature of Alabama will be offered for enactment at a special or extra session of the Legislature of Alabama to be called to meet in January, 1936, or some subsequent date in said year:

AN ACT

To authorize and provide for the payment of the sum of two hundred and fifty dollars (\$250) for the relief of James W. Carpenter of Reform, Ala., Pickens County, who was injured on the 20th day of September, 1934, while being transported to work for said county.

Whereas, James W. Carpenter, while being transported to work for Pickens County, Ala., was injured by being run over by a truck, belonging to or in hire of said county.

Whereas, the said James W. Carpenter was seriously injured and has medical and other expenses to amount of two hundred and fifty dollars (\$250.00) and

Whereas no adequate compensation has been paid the said James W. Carpenter for said injuries.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That immediately upon the passage of this Act the Court of County Commissioners, or other like governing body of Pickens County, Ala., be and is hereby authorized to issue its warrant on the county depository of said county in favor of the said James W. Carpenter his executor or administrator in the sum of two hundred and fifty dollars (\$250.00) which shall be paid by the said County Depository out of any funds in the County Depository, not otherwise appropriated. 11-21-4t.

Robert Langdon, Representative.

PROOF OF PUBLICATION

THE STATE OF ALABAMA,
PICKENS COUNTY.

Before me, Jack M. Pratt, a notary public in and for said County, personally appeared, Thalia F. Pratt, Publisher of The Pickens County Herald & West Alabamaian, a newspaper published in said County, who, being by me first duly sworn, states that the attached notice has been regularly published once a week for four consecutive weeks in said paper in issues dates as follows.

November 21, 1935; November 28, 1935; December 5, 1935; December 12, 1935.

Thalia F. Pratt.

Subscribed and sworn to before me, this the 21st day of January, 1936.
Jack M. Pratt, Notary Public.

By Mr. Hanks:

H. 53. To regulate, restrain and control the sale, importation, manufacture and use of certain alcoholic beverages; conferring powers and imposing duties upon the Alabama liquor control board and other officers of the state government, courts and circuit and county solicitors; authorizing the establishment and operation of state stores for the sale of such beverages not for consumption on the premises, and the granting of licenses subject to local option, to sell such beverages for consumption on the premises; for bidding importation or bringing of such beverages into the state except as herein provided; prohibiting certain sales or practices in connection with, and transactions in, such beverages by licensees and others; making disposition of the receipts from state stores and of license fees and imposing penalties.

Temperance.

By Mr. Reid:

H. 54. To repeal an Act of the Legislature of Alabama, approved September 30, 1919, and entitled "An Act to provide for absent qualified electors of the State of Alabama to vote in any general, special or municipal election in this State, while absent from the State or from the County or Precinct in which he is a qualified elector; to provide the method of carrying out such provision; and to require election officers and others charged with duties hereunder to perform duties in connection therewith."

Privileges and Elections.

By Mr. Reid:

H. 55. To repeal Sections 405, 406, 407, 408, 409, 410, 411 and 412 of the Code of Alabama, 1923.

Privileges and Elections.

By Mr. Reid:

H. 56. To repeal an Act of the Legislature of Alabama, approved February 14, 1919, and entitled "An Act to provide for absent qualified electors of the State of Alabama to vote in any primary election in this State while absent from the State or County in which he is a qualified elector; to provide the method of carrying out such provision; and to require election officers and others charged with duties hereunder to perform duties in connection therewith."

Privileges and Elections.

By Mr. Reid:

H. 57. To repeal Sections 677, 678, 679, 680, 681, 682 and 683 of the Code of Alabama, 1923.

Privileges and Elections.

By Mr. Henson:

H. 58. To define turpentine gum (oleoresin) and the products as processed therefrom by the original producer as agricultural commodities and agricultural farm products.

Agriculture.

ADJOURNMENT

On motion of Mr. Poole the House adjourned until Friday, February 14, 1936, at 10 o'clock A. M.

SECOND DAY

House of Representatives,

Montgomery, Alabama, Friday, February 14, 1936.

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. O. P. Spiegel, pastor of Cloverdale Christian Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House the following members answered to their names:

Messrs.:

Mr. Speaker	Cook	Harrison	Merrill
Adams	Cox	Heflin	Miles
Almon	Davis	Hendley	Miller
Arnold	Delony	Henson	Moore
Bateman	Denson	Hill	McDermott
Blann	De Vane	Hollis	McGowin
Boswell	Dominick	Johnston	McPhaul
Braswell	Doster	Jones	Norman (Bullock)
Bridges	Douglass	Kelly	Norman (Lowndes)
Buffington	Glover	Kirby	Owen (Etowah)
Bulger	Goodwyn	Langdon	Parish (Henry)
Byars	Goolsby	Lee (Bullock)	Parish (Pike)
Calhoun	Haley	Lee (Monroe)	Petrey
Carter	Hall	Livingston	Poole
Castleberry	Hamner	Long	Posey (Walker)
Chichester	Hanks	Lusk	Propst
Connor	Hare	Matthews	Quarles

Rayburn	Shipman	Steele	Tompkins
Reeder	Sightler	Street	Toomer
Reid	Sparks (Barbour)	Taylor	Waldrep
Reynolds	Sparks (Walker)	Terry	Wallace
Robinson (Lowndes)	Spence	Todd	Welch
Sanderson	Staples	Tolbert	Williams
Shaver			

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A quorum was present.

APPOINTMENT OF STANDING COMMITTEE ON RULES

The Speaker announced the appointment of the following members of the Standing Committee on Rules for the Extraordinary Session of 1936:

Mr. Speaker, Chairman; Harrison, Vice-Chairman; Kirby, Sanford, Cox, Byars, McPhaul, Goodwyn, Lusk, Taylor, Sparks of Barbour, Chichester, Reid, Hodges, Robertson of Cullman.

REPORT OF STANDING COMMITTEE ON RULES

Speaker Walker, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

By Mr. Harrison:

H. R. 5. Be it Resolved by the House of Representatives, that the rules of procedure as prevailed in the Regular Session of the Legislature of 1935 be and the same are hereby adopted for the Extraordinary Session of the legislature.

ADOPTION OF RULES

The question was on the adoption of H. R. 5, prescribing rules for the Extraordinary Session of the Legislature. Mr. Norman (Bullock) offered the following amendment to the resolution, H. R. 5:

Amend Rule No. 28 by adding thereto the following: Every bill made a special order by resolution shall appear on the calendar of the House as a special order for at least one legislative day before being considered by the House.

And the amendment was adopted. The resolution, H. R. 5, as amended, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Speaker Walker, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report with amendment:

By Mr. McGowin:

H. R. 6. Requiring all members of the House to register facts relating to any connection with the state government and any salaries, emoluments or rewards since their election to the House of Representatives.

The question was on the adoption of the amendment to H. R. 6 reported by the Standing Committee on Rules, said amendment being as follows:

Rules Committee amendment to H. R. 6:

Amend H. R. 6 by making same a House Joint Resolution and to read as follows:

By Mr. McGowin:

H. J. R. 6. Be it resolved by the House of Representatives of the State of Alabama, the Senate concurring:

1. That each and every member of the House of Representatives and the Senate shall, within ten days after the adoption of this Resolution, register with the Clerk of the House of Representatives and the Secretary of the Senate respectively, giving the following information: (a) His name and the county which he represents; (b) whether or not at any time during his present term of office he has accepted any office of profit under the State, or any sub-division, county, municipality, or district; or has been, or, has accepted employment from any department, bureau, board or commission of the State government, or of any county, municipality, or district of the State; or has received any compensation, emoluments, or rewards, either directly or indirectly, from the State of Alabama, or any department, bureau, board or commission of its government, or from any county, municipality, or district of the State, this not to include Notary Publics and ex-officio Justices of the Peace; (c) the office to which he was appointed and which he has accepted since his election to the House of Representatives or the Senate; (d) the department, bureau, board or commission for which he was employed, or from which he received any compensation, emoluments or reward; (e) the county, or municipality, or district, under which he held office, or from which he received any compensation, emoluments, or reward; (f) the amount of such compensation, emoluments, or reward, and (f) the nature and character of his work and how long he had been

employed, and whether he is now doing any work for the State, or any department, bureau, board or commission, or for any county, municipality, or district in the State, and the nature and character of such work.

2. In addition to the information required in Section 1 of this Resolution, each member of the House of Representatives and of the Senate shall give to the Clerk of the House of Representatives and the Secretary of the Senate in writing the following information: (a) whether a member of a firm or an association, or stockholder in any corporation, domestic or foreign, or an officer therein, before and since his election as a member of the Legislature of Alabama; (b) whether or not the firm, association, or corporation of which the Legislator or Senator is a member or stockholder has had, now has, or will have, any interest in legislation passed or proposed or contemplated before or since their nomination and election to the Legislature; (c) if an employee, agent or attorney or a person, firm, corporation or association, the date of the employment, either before or since their nomination and election to the Legislature, the amount of salary received and the nature of the employment; (d) whether said Legislator or Senator is a stockholder, agent or employee of any insurance company, domestic or foreign, which has applied to the State for insurance and been refused such insurance; (e) whether or not any person, firm or corporation has paid for radio time for any member of the House of Representatives or of the Senate before or since, or during, the organization of the 1935 Legislature or the Special Session thereof, where the subject discussed was for or against pending or contemplated legislation, and if so what person, firm or corporation or association, paid for said radio time and the amount thereof.

3. Upon receiving all such registrations, it shall be the duty of the Clerk of the House of Representatives and the Secretary of the Senate immediately to print 500 copies of all the registrations filed with them, in pamphlet form, giving the information contained in such registration for the use of the members of the House of Representatives and the Senate.

And the amendment reported by the Standing Committee on Rules was adopted and the resolution, H. R. 6, as amended, was adopted.

Yeas, 89; Nays, 1.

Yeas:

Messrs.:

Mr. Speaker
Adams
Almon
Arnold
Blann

Boswell
Braswell
Bridges
Buffington
Bulger

Byars
Calhoun
Carter
Castleberry
Chichester

Connor
Cox
Davis
Delony
Denson

De Vane	Jones	Norman (Bullock)	Sightler
Dominick	Kelly	Norman (Lowndes)	Sparks (Barbour)
Doster	Kirby	Owen (Etowah)	Sparks (Walker)
Douglass	Langdon	Parish (Henry)	Spence
Glover	Lee (Bullock)	Parish (Pike)	Staples
Goolsby	Lee (Monroe)	Petrey	Steele
Haley	Livingston	Poole	Street
Hall	Long	Posey (Walker)	Taylor
Hamner	Lusk	Propst	Terry
Hanks	Matthews	Quarles	Todd
Hare	Merrill	Rayburn	Tolbert
Harrison	Miles	Reeder	Tompkins
Heflin	Miller	Reid	Toomer
Hendley	Moore	Reynolds	Waldrep
Henson	McDermott	Robinson (Lowndes)	Wallace
Hill	McGowin	Sanderson	Welch
Hollis	McPhaul	Shaver	Williams
Johnston			

—89

Nay: Mr. Goodwyn.

—1

RESOLUTIONS

The following resolutions were introduced:

By Rules Committee:

H. R. 7. BE IT RESOLVED By The House of Representatives, that:

WHEREAS, there will be presented for debate and consideration at this special Session many bills which involve highly controversial questions, the proper solution of which will need the undivided and undisturbed attention of all members of the House, and

WHEREAS, many various groups and organizations are vitally interested in such bills and will desire to have representatives granted admission to the floor of the House while it is in session, and it is impossible to permit or select a limited number of such representatives from each group or organization, and

WHEREAS, the space in the House is limited and the presence of others, than the members and those employees necessary to its proper functioning, and those who by the Constitution are entitled to privileges of the floor, tends to create confusion and distract attention, and

WHEREAS, if some are admitted to the floor of the House, and others who are equally entitled thereto are denied such privileges, there will result a feeling of injustice and discrimination on the part of those who, on account of lack of space, are denied admission.

NOW THEREFORE, Be IT RESOLVED, that only those entitled to the privileges of the floor as provided by Section 57 of

the Constitution, be admitted, except those who may obtain permission therefor from a Committee of three to be appointed by the Speaker, known as Committee on Privileges of the Floor, and that such Committee limit those to whom it will grant permission to the members of the immediate families of representatives unless, the privilege of the floor is granted by unanimous consent of the House, and that no privilege shall extend beyond the day granted.

On motion of Mr. Connor, the rules were suspended and the resolution, H. R. 7, was adopted.

By Mr. Boswell:

H. J. R. 8. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES of the State of Alabama, the Senate concurring, as follows:

1. That there be appointed a committee composed of three members of the House by the Speaker thereof, and two members of the Senate by its presiding officer, to investigate all forms of lobbying with the members of this Legislature by any organization, association, corporation or individual, their agents or employees, either for the passage of or against any legislation now pending before either the House or Senate, such committee to have the power and authority to summon any official of any such organization, association, corporation or individual, their agents or employees, to appear before it and/or to answer any questions propounded by such committee relative to the source of funds received or expended by it, or them, in any effort to foster or prevent legislation, either before or since the convening of this extraordinary session of the Legislature; and shall have the power and authority to require any such organization, association, corporation or individual, their agents or employees to produce their books, accounts, vouchers, or other evidences of receipts and/or expenditures received or expended for the purpose of, or in an effort to, influence the vote of any member of the House or Senate upon any legislation now pending before the House or Senate, or any bill or resolution that may be offered during this session of the Legislature. Such committee to record all evidences deemed by it to be relevant or material, and may make partial reports to the House and Senate of its findings from time to time as the Committee deems proper; and shall make such partial reports when called upon by the Speaker of the House or the presiding officer of the Senate; and the final report of the finding of such committee shall be made five days before the final adjournment of this extraordinary session of the Legislature.

2. Such committee shall have the power and authority to employ such clerical assistance and/or investigators as is necessary to fully carry out the purpose of this resolution.

3. The Clerk of the House and Secretary of the Senate are hereby authorized and directed to pay the expenses of such investigators, including the salary of such clerks and the salary and expenses of such investigators, each paying one-half of such expenses, out of the funds appropriated for the expenses of this Legislature.

And the resolution, H. J. R. 8, was referred to the Standing Committee on Rules.

REPORT OF STANDING COMMITTEE ON REVISION OF JOURNAL

Mr. Speaker:

Your Standing Committee on the Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the House for the First Legislative Day and finds same correct.

R. L. Tolbert,
Vice-Chairman.

The report of the Standing Committee on the Revision of the Journal was adopted and the Journal of the House for the First Legislative Day was approved.

APPOINTMENT OF STANDING COMMITTEES

The Speaker announced the reappointment of the members of all Standing Committees who served during the Regular Session of 1935, with the addition of such members as necessary to fill vacancies, whose appointments were announced on the First Legislative Day of the Special Session.

INTRODUCTION OF BILLS

On a call of counties, bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Wallace:

H. 59. To amend Section 20 of an Act entitled, "An Act to provide for the promotion, encouragement, development and regulation of air navigation, air navigation aids and facilities, airmen and aircraft; to provide for the survey, location, mapping and development of State Airways and Airway Facilities; to provide for the registration and issuance of permits to operators, aircraft and airmen, suspension and revocation of such permits; to provide for the encouragement of the location in the State of Aeronautical industries; to create a commission for the administration of this Act and for the enforcement of the laws of the State of Alabama and of the rules and regulations established by said Commission; to

define and describe the powers, duties, responsibilities and privileges of said Commission; and to make an appropriation for the purpose of this Act", approved September 13, 1935.

Aviation.

By Mr. Merrill:

H. 60. To amend subsection 46 of Section 4556 of the Code of Alabama of 1923.

Judiciary.

By Mr. Castleberry:

H. 61. To authorize and empower the Board of Revenue or Court of County Commissioners or other governing body of each and every county in Alabama to expend an amount not to exceed one-third of the total amount that may be received by each county from the levy and collection of any tax on gasoline in the payment of any debt that may have been heretofore incurred by such county for the construction and/or maintenance of roads or bridges, and to ratify any such expenditure heretofore made.

Ways and Means.

By Mr. Hamner:

H. 62. To amend Sections 338 and 344 of an act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

Ways and Means.

By Mr. Quarles:

H. 63. To revise, collate and codify into one Act the general statutes of the State of Alabama relating to the Militia, which Act shall constitute and be designated and cited as the Military Code of Alabama; to regulate and provide for the Military and Naval Forces of the State and promote the efficiency of these forces; to provide rules, regulations and means for their organization, armament, equipment, discipline, control and supervision; to provide for their maintenance, support and upkeep; to provide for their allocation, organization and equipment, discipline, training, and maintain these forces for State and National Emergencies in compliance with the provisions of the National Defense Act and Federal Laws governing the Naval Militia or Naval Reserves as now or as these acts may be hereafter amended; to provide a Department, to be designated and known as the Department of Military and Naval Affairs, for the purpose of administration of all provisions of this Act and the execution of all rules and regulations written under this Act; to provide means for the enforcement of this Act; to repeal all code sections and all acts and parts inconsistent with this Act; and to fix penalties and punishments for the violation of this Act.

Military.

By Mr. Calhoun:

H. 64. To amend Section 3 of Article 1 of an act entitled, "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

Ways and Means.

By Mr. Welch:

H. 65. To amend Section 34 of an Act entitled An Act to provide for the general revenue of the State of Alabama, approved July 10, 1935.

Ways and Means.

By Mr. Welch:

H. 66. To amend an Act entitled An Act to amend Section 5742 of the Code of Alabama of 1923, approved July 23, 1931.

Judiciary.

By Mr. Welch:

H. 67. To amend Section 6667 of the 1923 Code of Alabama.

Judiciary.

By Mr. Welch:

H. 68. To provide for and authorize the dismissal in and by the Circuit Court, of appeals to the Circuit Court from judgments of conviction rendered in any court subordinate or inferior to or lower than the Circuit Court, and to define and fix the effects and consequences of such dismissals.

Judiciary.

By Mr. Welch:

H. 69. To repeal Section 5293 of the 1923 Code of Alabama.

Judiciary.

By Mr. Welch:

H. 70. To amend Section 4589 of the 1923 Code of Alabama.

Judiciary.

By Mr. Welch:

H. 71. To repeal Sections 8653, 8654, 8655, 8656, 8657 and 8658 of the 1923 Code of Alabama.

Judiciary.

By Mr. Connor:

H. 72. To appropriate the sum of One Million Dollars out of the funds in the Treasury of the State of Alabama, not otherwise appropriated, for the purpose of building, enlarging, modernizing and strengthening the jails, penitentiaries, houses of detention and correction belonging to the various Cities, Counties and to the State of Alabama, and provide additional facilities for the detention, incarceration and secure keeping of the merchants, druggists, auto-

mobile dealers, business men and manufacturers of the State of Alabama, who shall fail or refuse to collect or pay a general or luxury sales tax which may be levied by the State of Alabama, and approved by the Governor thereof, and provided, that this act shall become effective when, and if the said luxury and so said sales tax shall be approved by the Governor.

Penitentiaries.

By Mr. Connor:

H. 73. To amend Sections 3135-3136 and 3137 of the Code of 1923.

Ways and Means.

By Mr. Connor:

H. 74. A bill to be entitled An Act to submit to the qualified voters of this State, at an election to be held on the first Tuesday of November after the expiration of three months after the final adjournment of the present special session of the Legislature of Alabama, for their consideration, an amendment to Section 124 of the Constitution of the State, so as to empower the Legislature to regulate and limit the power and authority of the Governor of this State, to remit fines and forfeitures and, after conviction, to grant reprieves, paroles, commutations of sentence, and pardons except in cases of impeachment.

Be it Enacted by the Legislature of Alabama:

Section 1. That there is hereby proposed to be submitted to the qualified voters of Alabama as hereinafter set forth, the question of amending section 124 of the Constitution of Alabama of 1901, so as to make said section 124 read as follows: Section 124. The Governor shall have power to remit fines and forfeitures, and after conviction, to grant reprieves, paroles, commutations of sentence and pardons, except in cases of impeachment, subject to such regulations and limitations as may be prescribed by law. It shall be the duty of the legislature of this state at the next regular session following the adoption of this amendment to provide for the establishment of a Board of Prison Terms and Paroles, to consist of three members; to fix the method of selecting the membership of said board; to fix the terms of office for such members; to provide for the powers and duties of said board; to regulate and/or limit the powers of the Governor to grant reprieves, paroles, commutations of sentences and pardons except in cases of impeachment; to prescribe the manner and method of granting paroles, reprieves, pardons and commutations of sentence except in cases of impeachment; and to provide the procedure for obtaining such paroles, reprieves, pardons and commutations of sentences. Provided, however, that no such paroles, reprieves, pardons and commutations of sentences shall in any case be granted except with the consent and approval of the Governor.

Section 2. That on the first Tuesday in November after the expiration of three months after the final adjournment of the present session of the Legislature of Alabama, and in connection with and in conjunction with the general election to be held on that day, an election shall be held for the vote of the qualified electors of the State of Alabama upon the proposed Constitutional amendment, upon the official ballot prepared for such election and shall be printed as follows: Namely: Shall section 124 of the Constitution of Alabama of 1901 be amended so as to read as follows: "The Governor shall have power to remit fines and forfeitures, and after conviction, to grant reprieves, paroles, commutations of sentence and pardons, except in cases of impeachment, subject to such regulations and limitations as may be prescribed by law. It shall be the duty of the legislature of this state at the next regular session following the adoption of this amendment to provide for the establishment of a Board of Prison Terms and Paroles to consist of three members; to fix the method of selecting the membership of said board; to fix the terms of office for such members; to provide for the powers and duties of said board; to regulate and/or limit the powers of the Governor to grant reprieves, paroles, commutations of sentence and pardons except in cases of impeachment; to prescribe the manner and method of granting paroles, reprieves, pardons and Commutations of sentence except in cases of impeachment; and to provide the procedure for obtaining such paroles, reprieves, pardons and commutations of sentence. Provided, however, that no such paroles, reprieves, pardons and commutations of sentence shall in any case be granted except with the consent of the Governor." Following the proposed amendment on the ballot shall be printed the word "Yes", and immediately under that shall be printed the word "No". The choice of the voter shall be indicated by a cross-mark by him or her opposite the word expressing his or her desire.

Section 3. In the election upon such proposed amendment, the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of State, and canvassed in the same manner as in elections for Governor, and if it shall appear that a majority of the qualified electors who voted on the amendment, voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of said election shall be made known by a proclamation of the Governor.

The above and foregoing bill, H. 74, proposing an amendment to the Constitution, was read one time at length and referred to the Standing Committee on Constitution and Constitutional Amendments.

By Mr. Welch:

H. 75. To provide that when separate cases or prosecutions against two or more defendants who are charged with the same crime, whether felony or misdemeanor, are pending in the circuit court, and irrespective of whether such cases or prosecutions originated in the circuit court or were appealed from some lower court, that the circuit court may in its discretion order all such defendants tried jointly; and that the circuit court may order that one or more such defendants be each separately tried and the others tried jointly; and that the circuit court may order that several such defendants be tried jointly in one trial and the other defendants tried jointly in another trial; and that the circuit court may order that each such defendant be separately tried; and to provide that the provisions of this Act shall apply only in the circuit court in counties having a population of 300,000 or more according to the last or any subsequent Federal Census.

Local Legislation No. Two.

By Mr. Welch:

H. 76. To provide that when two or more defendants are jointly charged with any crime, whether felony or misdemeanor, they shall be tried jointly, unless the court in its discretion on motion of the Solicitor for the State, or any defendant order otherwise; and to authorize the court to order that one or more such defendants be each separately tried and the others jointly tried, and to authorize the court to order that several defendants be jointly tried in one trial and the other defendants jointly tried in another trial, and to authorize the court to order that each defendant be separately tried; and to provide that the provisions of this Act shall apply only in the circuit court in counties having a population of 300,000 or more according to the last or any subsequent Federal Census.

Local Legislation No. Two.

By Mr. Welch:

H. 77. To amend Section 6672 of the 1923 Code of Alabama.

Local Legislation No. Two.

By Mr. Welch:

H. 78. To authorize the appointment of special judges in the Circuit Courts in counties having a population of 300,000 or more according to the last or any subsequent Federal Census, and to fix and define their authority and powers with regard to motions for new trials and bills of exceptions.

Local Legislation No. Two.

By Mr. Welch:

H. 79. To place the duty upon each Circuit Solicitor having a county or counties within his circuit with a population of 300,000 or more according to the last or any subsequent Federal Census, to represent the State in the Court of Appeals of Alabama and in the Supreme Court of Alabama, in all criminal cases appealed from the circuit court in such county or counties having a population of 300,000 or more according to the last or any subsequent Federal Census.

Local Legislation No. Two.

By Mr. Welch:

H. 80. To amend Section 6668 of the 1923 Code of Alabama.

Local Legislation No. Two.

By Mr. Welch:

H. 81. To provide that when prosecutions against two or more defendants, charged with the same offense against the ordinances of a municipal corporation, are pending in the circuit court on appeal from a judgment or judgments of conviction in the court of any town or city, the circuit court may in its discretion order all such defendants tried jointly or may order that one or more defendants be each separately tried and the others jointly tried, or may order that several such defendants be tried jointly in one trial and the others tried jointly in another trial, or may order that each such defendant be separately tried.

Local Legislation No. Two.

By Mr. Welch:

H. 82. To provide for and regulate the service of persons summoned for jury duty in the circuit courts in counties having a population of 300,000 or more according to the last or any subsequent Federal Census; and without limiting or derogating from the generality and comprehensiveness of the foregoing portion of this title, to regulate the excusing of persons summoned for jury service in such courts in such counties, and to provide for the performance of jury duty by persons summoned for such duty at a time subsequent to that for which they were originally summoned; and to provide for the fees of persons summoned for jury duty who are excused and required to perform jury duty at such subsequent time.

Local Legislation No. Two.

By Mr. Welch:

H. 83. To regulate and fix rules in regard to motions for new trials in the circuit court in counties having a population of 300,000 or more according to the last or any subsequent Federal Census; and without limiting or derogating from the generality and comprehensiveness of the foregoing portion of this title, to fix, declare

and keep such courts in such counties always open for the filing of, presenting and calling to the attention of the court, continuing, hearing and deciding motions for new trials; and to fix the time within which motions for new trials may be filed, presented and called to the attention of the court, continued, etc., in such courts in such counties.

Local Legislation No. Two.

By Mr. Welch:

H. 84. To amend an Act entitled "An Act to amend Section one of an Act entitled an Act to provide for the election of a solicitor for each Judicial Circuit in the State and to fix his compensation and to authorize the appointment or election of deputy solicitors and assistant solicitors, prescribe their duties and authority and fix their compensation, approved September 25, 1915", approved July 8, 1927.

Local Legislation No. Two.

By Mr. Welch:

H. 85. To repeal Section 3 of an Act entitled "An Act to authorize and empower the Circuit Solicitor in all Counties in the State of Alabama having five or more Circuit Judges or which Counties may hereafter have five or more Circuit Judges, to employ all shorthand reporters necessary to properly report the proceedings before the grand jury and transcribe the same, and stenographer or stenographers for the office work of such solicitor, and all assistants or assistance necessary to properly administer justice in such counties, and to fix their compensation and manner of payment of the same, and to incur all necessary expenses to properly administer justice in such counties, and where there is a division of the Circuit Court held at some place in such county other than the County site, and where the cases arising in the remaining portion of the County are tried at the County site, and where there is elected from that portion of the county other than the county site a Deputy Circuit Solicitor, to authorize such Deputy Circuit Solicitor to employ or appoint one officer who shall be under the supervision and control of said deputy Circuit Solicitor, and to fix the compensation of such officer, and the manner of paying the same", approved August 22, 1923.

Local Legislation No. Two.

By Mr. Welch:

H. 86. To amend an Act entitled "An Act to amend Section one of an Act entitled an Act to provide for the election of a solicitor for each Judicial Circuit in the State and to fix his compensation and to authorize the appointment or election of deputy solicitors and assistant solicitors, prescribe their duties and authority

and fix their compensation, approved September 25, 1915", approved July 8, 1927.

By Mr. Chichester:

H. 87. To Amend Section 7020 of the Code of Alabama.

Judiciary.

By Mr. Welch:

H. 88. To amend Section 6699 of the 1923 Code of Alabama.

Local Legislation No. Two.

By Mr. Staples:

H. 89. To make an appropriation of One Thousand Dollars to defray the expenses of the Reunion of the officers and men of the First and Second Alabama Volunteer Regiments and the officers of the Third Alabama Regiment who served in the Spanish-American War, said reunion to be held in Mobile, Alabama, in connection with the Annual Encampment of the Alabama Department, United Spanish War Veterans, on June 7, 8 and 9, 1936.

Appropriations.

By Mr. Staples:

H. 90. To amend Section 4072 of the Code of Alabama 1923.

Game, Fish and Fisheries.

By Mr. Davis:

H. 91. To provide for the complete registration of electors during the year 1936 and every four years thereafter, fixing the qualifications of electors other than those who are qualified under the present Constitution of Alabama for a declaration of party affiliation upon registration and for other similar purposes.

Privileges and Elections.

By Mr. Davis:

H. 92. For the relief of tax payers permitting and authorizing the transfer of any tax claim held by the State of Alabama, any county, municipality or taxing district thereof and authorizing and directing the issue of certificates evidencing such transfers and securing to the owner or holder of such certificates the same liens and the same remedies for enforcing said tax claims as the State of Alabama or the county or municipality or taxing district had prior to said transfer by it and providing for the enforcement and release thereof by which owner or holder."

Revision of Laws.

By Mr. Goodwyn:

H. 93. To amend Section 4 of an Act entitled an Act, "To amend Section 4 of an Act entitled: An Act to provide for the consolidation of the administration and control of the public school system in any county of not less than seventy five thousand nor more

than one hundred thousand population according to the last or any succeeding Federal Census; to establish a Board of Education, in lieu of all other city and county Boards of Education in such counties, and provide for the manner of its selection and to define its authority, as amended by Act approved March 5, 1931, and as further amended by Act approved July 8, 1931 and as further amended by Act approved July 11, 1935.

Local Legislation No. One.

By Mr. Tompkins (with notice and proof):

H. 94. For the relief of S. A. Powell, and to appropriate for the use of the said S. A. Powell the sum of one hundred twenty five dollars for the loss of a mule killed by a truck belonging to Russell County on January 28, 1935, near Hurtsboro, Alabama.

Local Legislation No. One.

Notice and proof H. 94:

NOTICE

Notice is hereby given that at the next session of the Legislature of Alabama, whether said session of said legislature be regular, special or extraordinary, there will be introduced for passage a Local Law to apply to Russell County, Alabama, the substance of which said Local Law shall be substantially as follows, to-wit:

A BILL

TO BE ENTITLED

AN ACT

For the relief of S. A. Powell, and to appropriate for the use of the said S. A. Powell the sum of one hundred twenty five dollars for the loss of a mule killed by a truck belonging to Russell County on January 28, 1935, near Hurtsboro, Alabama.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA.

Section 1. That there is hereby appropriated the sum of one hundred twenty-five dollars out of any funds in the County depository of Russell County, not otherwise appropriated for the relief of S. A. Powell, on account of the loss of a mule, which was killed by a truck belonging to Russell County near Hurtsboro, Alabama, on January 28, 1935.

Section 2. Upon the approval of this act the Governor, the County Commission of Russell County, shall draw a warrant on the County depository of said County for the sum of one hundred twenty-five dollars, and the County depository of said county is authorized to pay the same on presentation.

Section 3. All laws or parts of laws—either General, Local or Special in conflict with the provisions of this Act are hereby expressly repealed.

THE STATE OF ALABAMA, RUSSELL COUNTY.

Before me I. I. Moses, a notary public, personally appeared Isabel A. Moses, Publisher of the Phenix-Girard Journal, who being duly sworn, deposes and says that the attached notice of a bill to be entitled an Act, for the relief of S. A. Powell was published for four successive weeks in the

Phenix-Girard Journal, a weekly newspaper published in Phenix City, Russell County, Alabama, viz.: in the issues of November 29, December 6th, December 13th and December 20th, 1935.

ISABEL A. MOSES,
Publisher.

Sworn to and subscribed before me, this 11th day of February, 1936.
(SEAL) I. I. MOSES,
N. P.

BILLS ON SECOND READING

Mr. Harrison, Chairman of the Standing Committee on Ways and Means, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. Lusk:

H. 7. To Amend Section 370-A of an Act Entitled "An Act to Provide for the General Revenue of the State of Alabama", Approved July 10, 1935.

By Mr. Owen (Etowah):

H. 8. To Amend Section 161-A of AN ACT "To Provide for the General Revenue of the State of Alabama", approved July 10, 1935.

By Mr. Harrison:

H. 19. To amend Schedule 158.1, of Chapter 6, Article 13, of an Act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935, and as amended September 21, 1935.

By Mr. Harrison:

H. 20. To amend Section 31 of an Act entitled "An Act to provide for the General Revenue of the State of Alabama".

By Mr. Toomer:

H. 40. To authorize and empower cities of more than twenty five hundred population, according to the last Federal Census, where no city Board of Education exists, to sell and dispose of property formerly owned and used for educational purposes but which is no longer used or useful for educational purposes.

By Mr. McDermott:

H. 46. To amend Section 202 of an Act entitled "An Act to Provide for the General Revenue of the State of Alabama, approved July 10th, 1935 and known as House Bill No. 324, relating the final settlement of Tax Collectors.

By Mr. McDermott:

H. 47. To amend Section 195 of an act entitled "An Act to provide for the general Revenue of the State of Alabama" approved July 10th, 1935 and known as House Bill No. 324, relating to the final settlement of Tax Collectors.

Mr. Byars, Vice-Chairman of the Standing Committee on Public Printing, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

By Mr. Waldrep (with amendment):

H. 15. To provide that all public printing and binding, blank books, record books, ruled and printed blanks, stationery and/or any other printed supplies and office supplies required for the use of or done for the several state officers and/or the executive, legislative and judicial departments of the State government; county governing boards and/or officers; governing boards and/or officers and employees of cities and towns, and all public institutions, schools, colleges and other institutions supported wholly or partly by state, county or city appropriations shall be contracted for or purchased from bona fide printers and/or stationers, whose principal place of business is located within the State of Alabama; and all work contracted in its entirety in the State of Alabama; to provide a penalty for violation of its provisions; to provide that, in case any provision or portion shall be held unconstitutional, such holding shall not affect any other section, clause, provision or portion, which is not itself unconstitutional; and to repeal all laws or parts of laws in conflict therewith.

The above and foregoing bills were severally read a second time and placed on the Calendar.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following joint resolution and sends same herewith to the House:

By Rules Committee:

S. J. R. 12. BE IT RESOLVED BY THE SENATE, the House concurring, that when the two houses adjourn today, they adjourn to meet again on Tuesday, February 18, 1936, at 11 o'clock A. M.

J. E. Speight,
Secretary.

SENATE MESSAGE

O motion of Mr. Harrison, the rules were suspended and the resolution, S. J. R. 12, was adopted.

ADJOURNMENT

On motion of Mr. McGowin, the House adjourned until Tuesday, February 18, 1936, at 11 A. M.

THIRD DAY

House of Representatives,

Montgomery, Ala., Tuesday, February 18, 1936.

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. W. F. Calhoun, pastor Dexter Avenue Methodist Episcopal Church, South, Montgomery, Ala.

ROLL CALL

On a call of the roll of the House the following members answered to their names:

Messrs:

Mr. Speaker	Cook	Harrison	Lusk
Adams	Cox	Heflin	Matthews
Arnold	Davis	Hendley	Merrill
Austin	Delony	Henson	Miles
Bateman	Denson	Hill	Miller
Blann	De Vane	Hodges	Moore
Boswell	Dominick	Hollingsworth	McDermott
Braswell	Doster	Hollis	McGowin
Bridges	Douglass	Johnston	McPhaul
Britton	Glover	Jones	Norman (Bullock)
Buffington	Goodwyn	Kelly	Norman (Lowndes)
Bulger	Goolsby	Kirby	O'Neal
Byars	Haley	Langdon	Owen (Etowah)
Calhoun	Hall	Lee (Bullock)	Owens (Madison)
Castleberry	Hamner	Lee (Monroe)	Parish (Henry)
Chichester	Hanks	Livingston	Parish (Pike)
Connor	Hare	Long	Petrey

Poole	Sanderson	Steele	Tompkins
Posey (Walker)	Shipman	Street	Toomer
Quarles	Sightler	Taylor	Waldrep
Rayburn	Sparks (Barbour)	Terry	Wallace
Reeder	Sparks (Walker)	Tidmore	Welch
Reid	Spence	Todd	Whigham
Robertson (Cullman)	Staples	Tolbert	Williams
Robinson (Lowndes)			

—97

A quorum was present.

REPORT OF STANDING COMMITTEE ON REVISION OF JOURNAL

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the House for the Second Legislative Day and finds same correct.

R. L. Tolbert,
Vice-Chairman.

The report of the Standing Committee on Revision of the Journal was concurred in and adopted and the Journal for the Second Legislative Day was approved.

INTRODUCTION OF BILLS

On a call of counties, bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Sparks (Barbour):

H. 95. To authorize and empower the State Treasurer to pay to the owners of warrant refunding bonds issued under the authority of the Constitutional Amendment known as "The Debt Refunding Amendment, Act No. 179, passed April 14, 1933, Acts 1933, p. 196, and under the authority of Act No. 177, approved April 17, 1933, authorizing the issuance of such bonds pursuant to the authority of such Constitutional Amendment, the amount of such bonds with interest through July 1, 1935, when the bonds belonging to such owners have been lost, stolen or destroyed; to provide the method of such payment; to provide the proof of such loss and to provide for identifying the State Treasurer for such payment and to provide punishment for any false statement in connection therewith.

Judiciary.

By Mr. Poole:

H. 96. To regulate the business of selling used motor vehicles by dealers not residing in or having a permanent place of business in the State of Alabama, and by resident dealers purchasing, hand-

ling and selling used vehicles, used or acquired from resident dealers; to require the registration of all used motor vehicles brought into the State of Alabama for the purpose of sale, with Probate Judges in several counties; to require all such dealers to execute and deliver to such purchaser of such used vehicle, a bond indemnifying the purchaser against failure of title, breach of warranty, or fraudulent misrepresentation; to require the delivery of a certificate of title to the purchaser; to define the terms "dealer and Vendor", and to provide penalties for the violation of the provisions of this Act.

Ways and Means.

By Mr. Kelly:

H. 97. To amend Section 8855 of Chapter 314 of the Code of Alabama, of 1923.

Judiciary.

By Mr. Wallace:

H. 98. To amend Sections 3 and 11 of An Act entitled An Act to provide for the public safety; to regulate the operation of motor vehicles on the public highways; to provide for the registration and licensing of drivers or operators of motor vehicles and to fix the fees therefor. To authorize the State Highway Commission, with the approval of the Governor to establish and promulgate reasonable rules and regulations concerning the operation of motor vehicles; to provide punishment and penalties for the violation of the provisions of this Act and of the rules and regulations authorized hereby; to provide for the suspension and revocation of drivers' licenses issued; to authorize the appointment or employment of the necessary officers and agents, and the purchase of the necessary equipment to make the provisions hereof effective; and to provide for the compensation of the officers and agents so employed.

Public Roads and Highways.

By Mr. Todd:

H. 99. To amend Schedule 158.5 of chapter 6, Article 13, of an act entitled "An act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

Ways and Means.

By Mr. Rayburn:

H. 100. To amend Section 9709 of the Code of Alabama of 1923 relating to transportation companies as defined therein.

Judiciary.

By Mr. Taylor:

H. 101. With reference to and to further provide for the General Revenue of the State of Alabama.

Temperance.

By Mr. McDermott:

H. 102. To provide that all fines and forfeitures collected through recorder courts in all cities in this state now having or which may hereafter have a population of not less than 68,000 nor more than 150,000 inhabitants, according to the last or any subsequent Federal census, shall be received and kept by such cities in a separate fund and used exclusively toward increasing the salaries and compensation of the policemen and firemen and police and fire department personnels of such cities whose individual monthly salary or compensation does not exceed One Hundred Dollars per month; to fix and provide the time when and the manner in which such monies shall be disbursed; to fix and provide the basis of determining those entitled to share in said funds, and fixing their minimum regular salaries; to prohibit any reduction of regular salaries in carrying this Act into effect; making any violation of any provision of this Act a misdemeanor; providing a saving clause; and repealing all laws in conflict herewith.

Local Legislation No. One.

By Mr. McDermott:

H. 103. To amend Section 3238 of the Code of Alabama of 1923 relating to appeals in habeas corpus cases.

Judiciary.

By Mr. Davis:

H. 104. To amend section 8605 of the Code of Alabama 1923.

Judiciary.

By Mr. Norman (Bullock) (with notice and proof):

H. 105. To authorize the Court of County Commissioners of Bullock County, Alabama, to replace in the Fine and Forfeiture Fund of said county, by transfer from the General Fund of said county to the Fine and Forfeiture Fund of said county, such sums of money as have been heretofore transferred from said Fine and Forfeiture Fund to the General Fund of said county.

Local Legislation No. One.

Notice and proof H. 105:

NOTICE OF LOCAL LAW

In accordance with Section 106 of the Constitution of Alabama, notice is hereby given that the following proposed Local Act, pertaining to Bullock County will be introduced in the Legislature of Alabama, during the present session thereof:

A BILL TO
BE ENTITLED
AN ACT

To authorize the Court of County Commissioners of Bullock County, Alabama, to replace in the Fine and Forfeiture Fund of said county, by transfer from the General Fund of said county to the Fine and Forfeiture Fund of said county, such sums of money as have been heretofore transferred from said Fine and Forfeiture Fund to the General Fund of said county.

Bt it Enacted by the Legislature of Alabama:

Section I. The Court of County Commissioners of Bullock County, Alabama, shall, from time to time, whenever in the discretion of said Court, the condition of the General Fund will permit, replace in the Fine and Forfeiture Fund of said county, by transfer from the General Fund of said county to the Fine and Forfeiture Fund, such sums of money as have heretofore been transferred, under authority of Section 304 of the Code of 1923, from said Fine and Forfeiture Fund to the General Fund. Provided that the sums so replaced in the Fine and Forfeiture Fund shall not exceed one thousand dollars during the first twelve months after the passage of this act, or five hundred dollars during any subsequent twelve months.

State of Alabama, Bullock County:

Before me, W. E. McNair, Judge of Probate, in and for said state and county, personally appeared C. D. Norman, Publisher of The Union Springs Herald, a newspaper published at Union Springs, Bullock County, Alabama, who being duly sworn, deposes and says that the Notice of a Proposed Local Act for Bullock County, Alabama, a copy of which is attached hereto, was published in said newspaper for four consecutive weeks, in its issues of August 1, August 8, August 15, and August 22, 1935.

C. D. NORMAN, Publisher.

Sworn to and subscribed before me this 18th day of February, 1936.

W. E. McNair,
Judge of Probate.

By Mr. Hare:

H. 106. To regulate the business of buying livestock for resale or slaughter, the business of slaughtering livestock, and the business of transporting, hauling or driving of such livestock along the public highways of Alabama for resale or slaughter; to define such dealers, slaughterers and transporters in and of such livestock; to provide for licensing such dealers or the conduct of such businesses; to protect owners or lienholders against theft or wrongful sale or removal of such livestock; to authorize the Commissioner of Agriculture and Industries with the approval of the State Board of Agriculture to prescribe reasonable rules and regulations for the conduct of such business or businesses; to provide for registering the brands or marks of livestock, to fix the duties of the Commissioner of Agriculture and Industries, and to provide penalties for the violation of this Act.

Agriculture.

By Mr. Castleberry:

H. 107. To further provide for the general revenue of the State of Alabama.

Ways and Means.

By Mr. Staples:

H. 108. To regulate the execution and obligations of contracts containing provisions for termination thereof at will, and to provide rights and remedies in the event of the cancellation of such contracts without just cause.

Judiciary.

By Mr. Welch:

H. 109. To provide for the revision, codification, digesting and promulgation of the public statutes of this State.

Judiciary.

BILLS ON SECOND READING

Mr. Welch, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. Chichester:

H. 87. To Amend Section 7020 of the Code of Alabama.

By Mr. Welch:

H. 70. To amend Section 4589 of the 1923 Code of Alabama. (Relates to a second or subsequent premium on insurance policies).

By Mr. Welch:

H. 71. To repeal Sections 8653, 8654, 8655, 8656, 8657 and 8658 of the 1923 Code of Alabama.

By Mr. McDermott:

H. 48. To provide a lien for laundering, cleaning, pressing, and mending or otherwise renovating wearing apparel, household linens and articles of like kind, including hats and shoes, and to prescribe the manner of the enforcement of such lien.

Mr. Glover, Chairman of the Standing Committee on Local Legislation No. One, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. Goodwyn:

H. 93. To amend Section 4 of an Act entitled an Act, "To amend Section 4 of an Act entitled: An Act to provide for the consolidation of the administration and control of the public school

system in any county of not less than seventy five thousand nor more than one hundred thousand population according to the last or any succeeding Federal Census; to establish a Board of Education, in lieu of all other city and county Boards of Education in such counties, and provide for the manner of its selection and to define its authority, as amended by Act approved March 5, 1931, and as further amended by Act approved July 8, 1931 and as further amended by Act approved July 11, 1935.

By Mr. Cox (with notice and proof):

H. 1. To require the Court of County Commissioners of Chilton County, Alabama, before making any purchase of goods, wares, merchandise, machinery or supplies, for or on behalf of Chilton County, to advertise for and obtain competitive bids for the purchase of such goods, wares, merchandise, machinery or supplies in all cases where the amount of such purchase exceeds the sum of \$150.00 and to provide for the manner of giving notice of the time and place for receiving such bids, and providing the penalty for the non-compliance with the terms of this act and to require the acceptance of the lowest and best competitive bid for any such purchase.

By Mr. Langdon (with notice and proof):

H. 51. To repeal an Act entitled, "To provide for the payment in Pickens County, Alabama, of a license or privileges tax on gasoline and other motor fuel and to provide for the collection thereof and penalties for violation thereof".

By Mr. Langdon (with notice and proof):

H. 50. To authorize the Board of County Commissioners, or like governing body, of Pickens County, Alabama, to levy and collect a privilege tax on all persons, Corporations, Co-partnerships, Companies, Agencies, Associations and Refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naphtha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil", "fuel oil", or "crude oil", commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; To authorize said Board of County Commissioners, or like governing body, of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; To make provisions for the distribution of the funds derived from said privilege tax; To prohibit any incorporated city or town in said county from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels on a quantity basis;

To repeal the municipal privilege, excise and/or license taxes on gasoline, Woco Pep, or any other motor fuel used by self-propelled vehicles which may now be collected or levied by any incorporated city or town in said County; To provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; To repeal all laws and parts of laws in conflict with this Act; and to provide when this Act shall become effective.

By Mr. Langdon (with notice and proof) :

H. 52. To Authorize and provide for the payment of the sum of Two Hundred and fifty dollars (\$250.00) for the relief of James W. Carpenter of Reform, Alabama, Pickens County who was injured on the 20th day of September 1934, while being transported to work for said County.

By Mr. Cox (with notice and proof) :

H. 3. To further provide for the control, making, maintenance, building and improvement of the public roads and bridges of Chilton County, Alabama; to create the office of road supervisor for said County; to provide for his election or appointment, discharge and removal; to provide for his appointment in the event the Court of County Commissioners fail to elect; to fix his qualifications and prescribed his duties, power and authority; to provide for the manner of allowance and payment of claims against the County approved by him; to fix his compensation and expenses and manner of payment; to fix his bond and to provide for the approval of same and for the payment of the premium thereon by the County, to provide when this Act shall take effect; to provide that any section or provision of this Act being held invalid shall not affect the validity of any other section or provision; and the repeal of all laws or parts of laws in conflict with the provision of this Act, insofar as they apply to Chilton County, Alabama.

By Mr. Cox (with notice and proof) :

H. 2. To fix and determine the amount of compensation to be paid to the Members of the Court of County Commissioners of Chilton County, Alabama who are elected in the General election held in 1936 and each election thereafter and to provide the manner of the payment thereof.

By Mr. Tompkins (with notice and proof) :

H. 94. For the relief of S. A. Powell, and to appropriate for the use of the said S. A. Powell the sum of one hundred twenty five dollars for the loss of a mule killed by a truck belonging to Russell County on January 28, 1935, near Hurtsboro, Alabama.

Mr. Welch, Chairman of the Standing Committee on Judiciary, reported that said committee, in session had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Denson:

H. 39. To amend Section 6667 of the Code of Alabama of 1923, so as to provide that the Circuit Courts of the several counties of the State shall be open for the transaction of business at all times.

The above and foregoing bills were severally read a second time and placed on the Calendar.

RESOLUTION

Mr. Reeder introduced the following resolution:

By Mr. Reeder:

H. R. 9. A HOUSE RESOLUTION MEMORALIZING THE PRESIDENT AND CONGRESS OF THE UNITED STATES OF AMERICA TO EXTEND COTTON LOANS MADE TO PRODUCERS DURING 1934-35 UNDER THE 12-CENT LOAN PLAN TO JULY 31, 1936 AND TO PROVIDE FOR THE WAVING OF THE CHARGES AND ACCRUALS TO FEBRUARY 1, 1936.

WHEREAS, some 150,000 cotton farmers of Alabama during the 1934-1935 season delivered to the Commodity Credit Corporation some 675,000 bales of cotton on and in accordance with the Commodity Credit Corporation's 12-cent loan announcement, and

WHEREAS, the said Alabama cotton farmers believing they were cooperating with the crop control program announced by the Secretary of Agriculture, and in the attainment of the Administration's announced objective for agriculture, parity prices, placed their cotton in the loan at a time when its market value was from \$3.00 to \$7.50 per bale in excess of its loan value, and

WHEREAS, when said loans matured July 31, 1935, because of the condition of the market at that time, the loans were extended to February 1, 1936 but have not since been extended, and are being carried in past due form, and

WHEREAS, it is believed that the Secretary of Agriculture and the Agricultural Adjustment Administration have strongly favored an extension of the loan to July 31, 1936 and the waiving of all accrued carrying charges to February 1, 1936, thereby permitting that cotton which is needed to move in world markets at world market prices, and

WHEREAS, a Bill has been introduced in the Congress providing that the Government take title to the cotton and liquidate it

by the sale of some 20,000 bales weekly, with no consideration being given to equalizing the loan to the borrower for grade, stable and location, and

WHEREAS, it is believed that the forced sale of cotton and the limiting of the volume of sales, regardless of marketing conditions or price, is uneconomical and wasteful, and is detrimental to all cotton farmers, and

WHEREAS, by extending the loans, the government can maintain its faith with the cotton farmers and at the same time save money for the Government:

NOW, THEREFORE, BE IT RESOLVED that the President of the United States, the Secretary of Agriculture, the Administrator of the Agricultural Adjustment Administration, together with our Senators and Congressmen, who represent the people of Alabama in the Congress, be requested to use their combined influence to have the 12-cent loan extended to July 31, 1936, with carrying charges waived to February 1, 1936, so that title to said cotton shall remain in the producers with opportunity for disposition on a basis more nearly in conformity with the best interests of the producers.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the President of the United States, the Secretary of Agriculture, Administrator of the Agricultural Adjustment Administration, and to the Senators and Congressmen representing the State of Alabama.

On motion of Mr. Reeder the rules were suspended and the resolution, H. R. 9, was adopted.

RECESS

On motion of Mr. McGowin the House recessed until 2:30 P. M.

THIRD DAY—AFTERNOON SESSION

The hour of 2:30 P. M. having arrived the House reconvened.

BILLS ON THIRD READING

H. 7. To amend Section 370-A of an Act Entitled "An Act to Provide for the General Revenue of the State of Alabama", Approved July 10, 1935.

Was read a third time at length and passed.

Yeas, 75; Nays, 8.

Yeas:

Messrs.:

Mr. Speaker	Douglass	Miles	Sightler
Adams	Goodwyn	Moore	Sparks (Barbour)
Austin	Haley	McDermott	Sparks (Walker)
Bateman	Hanks	McGowin	Spence
Boswell	Hare	Norman (Lowndes)	Staples
Braswell	Harrison	O'Neal	Steele
Bulger	Heflin	Owen (Etowah)	Street
Calhoun	Hendley	Owens (Madison)	Taylor
Castleberry	Henson	Parish (Henry)	Terry
Chichester	Hill	Parish (Pike)	Tidmore
Connor	Hollis	Petrey	Todd
Cook	Johnston	Poole	Tolbert
Cox	Jones	Quarles	Tompkins
Davis	Kirby	Reeder	Toomer
Delony	Lee (Monroe)	Reid	Waldrep
Denson	Livingston	Robertson (Cullman)	Wallace
De Vane	Lusk	Robinson (Lowndes)	Welch
Dominick	Matthews	Sanderson	Whigham
Doster	Merrill	Shipman	

—75

Nays:

Messrs.:

Blann	Byars	Kelly	Posey (Walker)
Britton	Goolsby	Miller	Williams

—8

H. 19. To amend Schedule 158.1, of Chapter 6, Article 13, of an Act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935, and as amended September 21, 1935.

Was taken up. Mr. Connor offered the following substitute for the bill, H. 19:

Substitute by Mr. Connor for House Bill No. 19:

A BILL

To be entitled An Act to amend section 1 of schedule 158.1 of Article XIII, Chapter 6 of an Act entitled "To provide for the General Revenue of the State of Alabama," approved July 10th, 1935.

Be it enacted by the Legislature of Alabama:

That Section 1 of Schedule 158.1, Article XIII, Chapter 6 of an act entitled "To provide for the general revenue of the State of Alabama," approved July 10th, 1935, be and the same is hereby amended so as to read as follows:

SCHEDULE 158.1: "Private Cars;" The following license and registration fee shall be charged on automobiles and motor cars kept for private use: (a) Each automobile or motor car weighing not more than 2250 pounds, the license shall be Four Dollars

(\$4.00). (b) For each automobile or motor car weighing in excess of 2250 pounds not more than 2500 pounds, the license shall be Seven Dollars (\$7.00). (c) For each automobile or motor car weighing in excess of 2500 pounds, and not more than 3250 pounds the license shall be Ten Dollars (\$10.00). (d) For each automobile or motor car weighing in excess of 3250 pounds and not more than 3500 pounds, the license shall be Twelve Dollars and Fifty Cents (\$12.50). (e) For each automobile or motor car weighing in excess of 3500 pounds the license shall be Fifteen Dollars (\$15.00). Tags for vehicles provided by the State Tax Commission under the provisions of the Act shall carry thereon the letter "A" where designed to be used for automobiles described under "(a)" above; such tags shall carry the letter "B" where designed for cars described under "(B)" above; such tags shall carry the letter "C" where designed for cars described under "(C)" above; such tags shall carry the letter "D" where designed for cars described under "(d)" above; such tags shall carry the letter "E" where designed for cars described under "(e)" above. All motor vehicle licenses under this Act shall become due on October 1st of each year and shall become delinquent on October 25th. Provided, however, that these licenses shall be purchased on a monthly declining basis of one-twelfth (1-12) or for each month of the tax year and that the purchaser shall only buy a license for the then remaining months of the tax year. In figuring the license on a one-twelfth (1-12) reduction for each month, the amount on any fraction shall be figured to the nearest ten (10c) cents above the fraction thereof. But in no event shall the price of license tag be less than Two Dollars (\$2.00). (AA) Provided, the word "Weight" for purpose of computing the license tax payable hereunder shall be deemed to mean the weight of the vehicle including weight of the bumpers, spare tires, horn, trunk and tools, and all equipment customarily or generally used, whether same be installed on the motor vehicle before shipment or delivery by the factory, or before or after delivery by the automobile dealer. (e) For each electric automobile, other than truck, Twelve Dollars (\$12.00). (f) For each automobile propelled by steam, Eighteen Dollars (\$18.00). (g) For each motorcycle, Four Dollars (\$4.00). (h) For each motorcycle with side car attached, Five Dollars (\$5.00). Where the motorcycle is acquired or brought into the State on or after April 1st, or is not used prior to April 1st, the license shall be Two Dollars and a half (2.50). Where the motorcycle is acquired or brought into the State on or after January 1st, the license shall be Three Dollars (\$3.00). Where the motorcycle is acquired or brought into the State on or after July 1st, or is not used prior to July 1st, the license shall be Two Dollars (\$2.00). (BB) Provided, however, that the license tags for such automobile or motorcycle shall remain with

such automobile or motorcycle for the remainder of the current tax year, and that before any private automobile or any motorcycle shall be used on any public highway the proper license tag therefor must be procured and securely attached to the rear end of the automobile or motorcycle, said tag to be securely attached right side up with the number thereof in an upright position and the numbers thereof plainly visible. Provided, however, that the purchaser of a motor vehicle shall have three days grace from the date of purchase to purchase the license called for hereunder and shall not be subject to any penalty during said three day period.

This Act shall become effective upon it's approval by the Governor.

On motion of Mr. Taylor the substitute offered by Mr. Connor was laid on the table.

Mr. Connor offered the following amendment to the bill, H. 19:
Amendment by Mr. Connor, House Bill No. 19.

That Section 1 of said bill be amended by striking from Section 1 thereof the words "for new automobiles only" where said language appears in said section immediately following the words "provided, however, that" and followed by the words "these licenses shall be purchased on a monthtly declining basis."

And to further amend said bill by adding thereto a section to be known as Section 2, as follows:

Section 2.—The purchaser of a motor vehicle shall have three days from the date of the purchase of such motor vehicle by him within which to purchase the license called for hereunder and shall not be subject to any penalty during said three-day period.

And the amendment was adopted.

Yeas, 81 ; Nays, 6.

Yeas:

Messrs.:

Mr. Speaker	De Vane	Kirby	Parish (Pike)
Adams	Dominick	Lee (Bullock)	Petrey
Austin	Doster	Lee (Monroe)	Poole
Bateman	Douglass	Livingston	Posey (Walker)
Boswell	Glover	Long	Quarles
Braswell	Goolsby	Lusk	Reeder
Bridges	Haley	Matthews	Reid
Buffington	Hanks	Merrill	Robertson (Cullman)
Bulger	Harrison	Miles	Robinson (Lowndes)
Calhoun	Heflin	Moore	Sanderson
Castleberry	Hendley	McPhaul	Shipman
Chichester	Hill	Norman (Bullock)	Sightler
Connor	Hodges	Norman (Lowndes)	Sparks (Barbow)
Cook	Hollis	O'Neal	Sparks (Walker)
Davis	Johnston	Owen (Etowah)	Spence
Delony	Jones	Owens (Madison)	Staples
Denson	Kelly	Parish (Henry)	Steele

Street	Todd	Toomer	Welch
Taylor	Tolbert	Waldrep	Whigham
Terry	Tompkins	Wallace	Williams
Tidmore			
—81			
<i>Nays:</i>			
Messrs.:			
Blann	Goodwyn	Miller	McDermott
Byars	Henson		
—6			

And the bill:

H. 19. To amend Schedule 158.1, of Chapter 6, Article 13, of an Act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935, and as amended September 21, 1935.

As amended, was read a third time at length and passed.

Yeas, 90; Nays, 0.

<i>Yeas:</i>			
Messrs.:			
Mr. Speaker	Doster	Livingston	Reid
Adams	Douglass	Long	Robertson (Cullman)
Arnold	Glover	Lusk	Robinson (Lowndes)
Austin	Goodwyn	Matthews	Sanderson
Bateman	Goolsby	Merrill	Shipman
Blann	Haley	Miles	Sightler
Boswell	Hall	Miller	Sparks (Barbour)
Braswell	Hanks	Moore	Sparks (Walker)
Bridges	Hare	McDermott	Spence
Ruffington	Harrison	McGowin	Staples
Bulger	Heflin	McPhaul	Steele
Byars	Hendley	Norman (Lowndes)	Street
Calhoun	Henson	O'Neal	Taylor
Castleberry	Hill	Owen (Etowah)	Terry
Chichester	Hodges	Owens (Madison)	Tidmore
Connor	Hollis	Parish (Henry)	Todd
Cook	Johnston	Parish (Pike)	Tolbert
Cox	Jones	Petrey	Tompkins
Davis	Kelly	Poole	Toomer
Delony	Kirby	Posey (Walker)	Wallace
Denson	Langdon	Quarles	Welch
De Vane	Lee (Bullock)	Reeder	Whigham
Dominick	Lee (Monroe)		
—90			

H. 20. To amend Section 31 of an Act entitled "An Act to provide for the General Revenue of the State of Alabama".

Was read a third time at length and passed.

Yeas, 76; Nays, 6.

<i>Yeas:</i>			
Messrs.:			
Arnold	Braswell	Castleberry	Cox
Austin	Bulger	Chichester	Davis
Bateman	Byars	Connor	Denson
Boswell	Calhoun	Cook	De Vane

Dominick	Langdon	Owens (Madison)	Staples
Douglass	Lee (Bullock)	Parish (Henry)	Steele
Glover	Lee (Monroe)	Parish (Pike)	Street
Goolsby	Livingston	Petrey	Taylor
Haley	Lusk	Quarles	Terry
Hare	Matthews	Rayburn	Tidmore
Harrison	Merrill	Reeder	Todd
Heflin	Miles	Reid	Tolbert
Henson	Moore	Robertson (Cullman)	Tompkins
Hill	McDermott	Robinson (Lowndes)	Toomer
Hodges	McGowin	Sanderson	Waldrep
Johnston	McPhaul	Shipman	Wallace
Jones	Norman (Lowndes)	Sightler	Welch
Kelly	O'Neal	Sparks (Barbour)	Whigham
Kirby	Owen (Etowah)	Spence	Williams

—76

Nays:

Messrs.:

Adams	Hollis	Posey (Walker)	Sparks (Walker)
Hanks	Long		

—6

H. 40. To authorize and empower cities of more than twenty five hundred population, according to the last Federal Census, where no City Board of Education exists, to sell and dispose of property formerly owned and used for educational purposes but which is no longer used or useful for educational purposes.

Was read a third time at length and passed.

Yeas, 79; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Doster	Livingston	Quarles
Adams	Douglass	Long	Rayburn
Arnold	Goodwyn	Lusk	Reid
Austin	Goolsby	Matthews	Robertson (Cullman)
Bateman	Haley	Merrill	Robinson (Lowndes)
Boswell	Hall	Miles	Shipman
Braswell	Hanks	Moore	Sightler
Bridges	Hare	McDermott	Sparks (Walker)
Buffington	Heflin	McGowin	Spence
Bulger	Hendley	McPhaul	Terry
Byars	Henson	Norman (Bullock)	Tidmore
Calhoun	Hill	Norman (Lowndes)	Todd
Castleberry	Hodges	O'Neal	Tolbert
Chichester	Hollis	Owen (Etowah)	Tompkins
Cook	Johnston	Owens (Madison)	Toomer
Cox	Jones	Parish (Henry)	Waldrep
Delony	Kelly	Parish (Pike)	Wallace
Dehson	Kirby	Petrey	Welch
De Vane	Lee (Bullock)	Poole	Williams
Dominick	Lee (Monroe)	Posey (Walker)	

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H. 46. To amend Section 202 of an Act entitled "An Act to Provide for the General Revenue of the State of Alabama, approved July 10th, 1935 and known as House Bill No. 324, relating to the final settlement of Tax Collectors.

Was read a third time at length and passed.

Yeas, 87; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Douglass	Long	Robertson (Cullman)
Adams	Goodwyn	Lusk	Robinson (Lowndes)
Arnold	Goolsby	Matthews	Sanderson
Austin	Haley	Merrill	Shipman
Bateman	Hall	Miles	Sightler
Boswell	Hanks	Miller	Sparks (Barbour)
Braswell	Hare	Moore	Sparks (Walker)
Bridges	Harrison	McDermott	Spence
Buffington	Heflin	McPhaul	Staples
Bulger	Hendley	Norman (Bullock)	Steele
Byars	Henson	Norman (Lowndes)	Taylor
Calhoun	Hill	O'Neal	Terry
Castleberry	Hodges	Owens (Madison)	Tidmore
Chichester	Hollis	Parish (Henry)	Todd
Cook	Johnston	Parish (Pike)	Tompkins
Cox	Jones	Petrey	Toomer
Davis	Kelly	Poole	Waldrep
Delony	Kirby	Posey (Walker)	Wallace
Denson	Langdon	Quarles	Welch
De Vane	Lee (Bullock)	Rayburn	Whigham
Dominick	Lee (Monroe)	Reeder	Williams
Doster	Livingston	Reid	

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H. 47. To amend Section 195 of an act entitled "An Act to provide for the general Revenue of the State of Alabama" approved July 10th, 1935 and known as House Bill No. 324, relating to the final settlement of Tax Collectors.

Was read a third time at length and passed.

Yeas, 87; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Chichester	Hall	Kirby
Adams	Cook	Hanks	Langdon
Arnold	Cox	Hare	Lee (Bullock)
Austin	Davis	Harrison	Lee (Monroe)
Bateman	Delony	Heflin	Livingston
Boswell	Denson	Hendley	Long
Braswell	De Vane	Henson	Lusk
Bridges	Dominick	Hill	Matthews
Buffington	Doster	Hodges	Merrill
Bulger	Douglass	Hollis	Miles
Byars	Goodwyn	Johnston	Miller
Calhoun	Goolsby	Jones	Moore
Castleberry	Haley	Kelly	McDermott

McPhaul	Posey (Walker)	Sightler	Todd
Norman (Bullock)	Quarles	Sparks (Barbour)	Tompkins
Norman (Lowndes)	Rayburn	Sparks (Walker)	Toomer
O'Neal	Reeder	Spence	Waldrep
Owens (Madison)	Reid	Staples	Wallace
Parish (Henry)	Robertson (Cullman)	Steele	Welch
Parish (Pike)	Robinson (Lowndes)	Taylor	Whigham
Petrey	Sanderson	Terry	Williams
Poole	Shipman	Tidmore	

ORDER TO PRINT

On motion of Mr. Waldrep 300 copies of H. 15 were ordered printed for the information of the House.

RESOLUTIONS

Mr. DeVane introduced the following resolution:

By Mr. DeVane:

H. J. R. 10. Be It Resolved By The House of Representatives, the Senate concurring that the Custodian or Keeper of the Capitol grounds be ordered and instructed to provide automobile parking space for the individual members of the House and Senate who bring their cars to the Capitol grounds during sessions of the Legislature. Be It Further Resolved that said Custodian or Keeper be instructed and required to maintain proper supervision of such cars while so parked as to prevent any theft or molesting of the same.

And the resolution, H. J. R. 10, was referred to the Standing Committee on Rules.

Mr. Steele introduced the following resolution:

By Mr. Steele:

H. J. R. 11. BE IT RESOLVED By the House of Representatives of the State of Alabama, the Senate concurring, that the following amendment to the Constitution of Alabama be submitted to the electorate of the State of Alabama for their ratification or rejection.

Public education is hereby declared to be an essential and primary function of government in this state. The legislature shall from time to time, in addition to funds specifically set aside for educational purposes and in such a manner as in its opinion will tend to equalize educational opportunities throughout the state and encourage local initiative and support, appropriate monies out of the state treasury for educational purposes which shall be paid on the basis set up below. It shall be unlawful for the Comptroller or like officer of the State of Alabama to draw any warrant or other

order for the payment of money belonging to or administered by the State of Alabama upon the State Treasurer unless and until it shall have been certified to such Comptroller or like officer by such Treasurer that there is then in the hands of such Treasurer money available and appropriated for the full payment of the same. All appropriations now or hereafter made shall be either (a) Absolute, or (b) Conditional.

(a) The following shall be absolute appropriations, shall have preference over conditional appropriations, and, to the limit of the money in the hands of the Treasurer available therefor, shall be payable in full in the order named:

1. Appropriations for payment of interest or principal or sinking fund on the public debt or on trust funds covered into the State Treasury.

2. Per capita appropriations to eleemosynary and correctional institutions and the Alabama School for Deaf and Blind.

3. Appropriations to make effective any constitutional statutory provision earmarking and setting apart any certain tax, excise, income or charge for a designated use or purpose, not including appropriations to be paid from the State's General Fund.

(b) All other appropriations shall be conditional appropriations, and shall be payable in full only in the event that after providing for payment of the absolute appropriations there remains in the hands of the Treasurer money available for the full payment of all such conditional appropriations; and in case there is insufficient money available for such full payment, then the money available shall be prorated without any discrimination, and each such conditional appropriations shall be payable in the proportion which the money available bears to the total of all such conditional appropriations. At the end of each fiscal year all unpaid conditional appropriations which exceed the amount of money in the State Treasury subject to the payment of the same, after such pro-ration, shall thereupon become null and void to the extent of such excess.

And the resolution, H. J. R. 11, proposing an amendment to the Constitution, was read one time at length and referred to the Standing Committee on Constitution and Constitutional Amendments.

ADJOURNMENT

On motion of Mr. Poole the House adjourned until Friday, February 21, 1936, at 10 o'clock A. M.

FOURTH DAY

House of Representatives,

Friday, February 21, 1936.

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Monsignor James B. Rogers, pastor of St. Peter's Catholic Church, Montgomery, Ala.

ROLL CALL

On a call of the roll of the House the following members answered to their names:

Messrs.:			
Mr. Speaker	Glover	Matthews	Reynolds
Adams	Goodwyn	Merrill	Robertson (Cullman)
Almon	Goolsby	Miles	Robinson (Lowndes)
Arnold	Haley	Miller	Sanderson
Austin	Hamner	Moore	Shaver
Bateman	Hanks	McDermott	Shipman
Blann	Hare	McGowin	Sightler
Boswell	Harrison	McPhaul	Sparks (Barbour)
Braswell	Heflin	Norman (Bullock)	Sparks (Walker)
Bridges	Hendley	Norman (Lowndes)	Steele
Buffington	Henson	O'Neal	Street
Byars	Hill	Owen (Etowah)	Taylor
Calhoun	Hodges	Owens (Madison)	Terry
Castleberry	Hollis	Parish (Henry)	Tidmore
Chichester	Johnston	Parish (Pike)	Todd
Connor	Jones	Petrey	Tolbert
Cook	Kelly	Poole	Tompkins
Cox	Kirby	Posey (Walker)	Waldrep
Delony	Langdon	Posey (Winston)	Wallace
Denson	Lee (Bullock)	Propst	Welch
De Vane	Lee (Monroe)	Quarles	Whigham
Dominick	Livingston	Rayburn	Williams
Doster	Long	Reeder	Wright
Douglass	Lusk	Reid	

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A quorum was present.

REPORT OF STANDING COMMITTEE ON REVISION OF
THE JOURNAL

Mr. Speaker:

Your Standing Committee on the Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the House for the Third Legislative Day and finds same correct.

R. L. Tolbert,
Vice-Chairman.

The report of the Standing Committee on the Revision of the Journal was concurred in and adopted and the Journal for the Third Legislative Day was approved.

INTRODUCTION OF BILLS

On a call of counties, bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:
By Mr. DeVane:

H. 110. To Amend Section 3759 of the Code of Alabama of 1923 relating to Solicitor's fees for convictions in misdemeanor cases in County Courts and Inferior Courts, so as to read as follows:

Judiciary.

By Mr. Delony:

H. 111. To make appropriation of Two Hundred Thousand Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to defray the expenses of the present session of the Legislature.

Appropriations.

By Mr. Castleberry:

H. 112. To amend Schedule 82 of Section 348 of Chapter 1 of Article XIII of an act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

Ways and Means.

By Mr. Castleberry:

H. 113. To fix the rate of interest on delinquent State and County Ad Valorem taxes.

Ways and Means.

By Mr. Castleberry:

H. 114. To amend Section 4193 of the Code of Alabama.
Game, Fish and Fisheries.

By Mr. Castleberry:

H. 115. To amend Section 486 of the Code of Alabama.
Privileges and Elections.

By Mr. Castleberry:

H. 116. To repeal Sections 182 and 218 of the Alabama School Code of 1927.

Education.

By Mr. Owen (Etowah):

H. 117. To amend Section 2 of an Act "To provide that all cities in Alabama which now have or may hereafter have a population of as much as twenty-four thousand and less than forty thousand according to the last Federal Census, or any such census which

may hereafter be taken, shall be known and designated as Class 'D' cities; to provide and create a Commission form of municipal government and to establish the same in all Class 'D' cities of Alabama as herein defined; to abolish the offices of Mayor and Aldermen and otherwise provide for the creation and maintenance of said commission form of government; to provide for the selection and election of a chairman and two associate commissioners in lieu of mayor and aldermen; to prescribe limitations and qualifications for officers and employees and penalties for violation of the provisions of this Act. To Fix the Duties, powers and Compensation of the Board of Commissioners,—“approved March 6, 1931.

Municipal Organizations.

By Mr. Owen (Etowah):

H. 118. To amend Sections 7547, 7551, 7552, 7554, 7556, 7557, 7558, 7560, 7563, 7567, and 7596 of the Code of Alabama of 1923, and to repeal Section 7562 of said Code.

Judiciary.

By Mr. Kirby:

H. 119. To amend Sections 8540, 8542, 8543, 8544, 8545, 8546, 8550, 8552 and 8553, and to repeal sections 8547, 8548 and 8551 of the Code of Alabama.

Insurance and Insurance Companies.

By Mr. Goolsby (with notice and proof):

H. 120. To require the Court of County Commissioners of Escambia County, Alabama, to levy a special tax of one-twentieth of One per cent, on all taxable property in said county as assessed for state taxation for the tax year commencing October 1st, 1935, and subsequent years, to be used for Public Health Work in Escambia County; to provide that the total levy in any one year shall not exceed one-half of one per cent, exclusive of levies for public buildings or bridges; to fix said special tax of one-twentieth of one per cent. assessed for public health work as Escambia County's contribution to the budget of the Escambia County Health Department; and to provide to whom said special tax shall be paid, and how the same shall be disbursed.

Local Legislation No. One.

Notice and proof H. 120:

PUBLIC NOTICE

Notice is hereby given that application will be made to the next session of the Legislature of Alabama, for the passage of a local Act to require the Court of County Commissioners of Escambia County, Alabama, to levy a special tax of one-twentieth of one per cent on all taxable property in said county as assessed for state taxation for the tax year commencing October 1, 1935, and subsequent years, to be used for Public Health work in Escambia

County; to provide that the total levy in any one year shall not exceed one-half of one per cent., exclusive of levies for public buildings or bridges; to fix said special tax of one-twentieth of one per cent assessed for public health work as Escambia County's contribution to the budget of the Escambia County Health Department; and to provide to whom said special tax shall be paid, and how the same shall be disbursed.

This notice is being published for four consecutive weeks in The Atmore Advance and without expense to the said Escambia County.
(Jan. 23—Feb. 13) J. B. GOOLSBY.

STATE OF ALABAMA ESCAMBIA COUNTY.

Personally appeared before the undersigned, a Notary Public within and for said County and State, Chas. W. Smith, Publisher of The Atmore Advance, a newspaper published at Atmore, County of Escambia, State of Alabama, who being duly sworn, states on oath that the advertisement a copy of which is hereto annexed, captioned "Public Notice" was published in said newspaper in its issues of the following dates: Jan. 23, 1936, Jan. 30, 1936, Feb. 6, 1936, Feb. 13, 1936.

CHAS. W. SMITH.
Publisher.
MABRY COLLINS,
Notary Public.

Subscribed and sworn to before me this 17th day of Feb. 1936.

(SEAL)

By Mr. Goolsby:

H. 121. To amend Section 8605 of the Code of Alabama of 1923.

Judiciary.

By Mr. Calhoun:

H. 122. To amend Section 9017 of the Code of Alabama of 1923.

Revision of Laws.

By Mr. Todd:

H. 123. To amend an act entitled "An Act to amend Sections II, III, V. and VI of an Act entitled 'An Act to define, regulate and license barbers and barber colleges, and other like businesses in counties of the State of Alabama having a population of three hundred thousand or over, according to the last or any subsequent Federal Census; to create a barbers' Commission for said Counties; and to provide a penalty for the violation of the provisions hereof,' which became a law July 24, 1931, under Section 125 of the Constitution," approved September 9th, 1935.

Local Legislation No. Two.

By Mr. Welch:

H. 124. To amend Section 8814 of the Code of Alabama of 1923.

Judiciary.

By Mr. Staples:

H. 125. To amend Section 51, of an Act approved August 23, 1927, entitled: An Act to provide a general system of legislation pertaining to public roads, highways and bridges, including therein the establishment of a State Highway Department and State Highway Commission; to create the office of Alabama Highway Director in Alabama; to define and regulate the powers, duties and authority of the State Highway Commission and of local authorities, boards of revenue, courts of county Commissioners, municipalities or like governing bodies; to provide authority and empower the Board of Administration to make agreements and contracts with the State Highway Commission for convict labor and let contracts for signs, advertising, etc., on highways; to define and provide rules of the road, including traffic regulations, penal violations, duties of owners and drivers and the regulation as to size, weight and equipment of motor vehicles moving over, along, or upon such roads; to provide for the establishment, discontinuance, working and maintenance of public roads, bridges and ferries; to provide for the establishment and maintenance of private roads; to provide for State Bonds for construction and maintenance of roads, issue and sale of; Good Roads Day established; Offenses concerning toll bridges, turnpikes and causeways; protecting bridges from floating logs and to provide against injury to mill dams, bridges, canals and road gates; to provide for working of public roads, persons liable and persons exempt from road duty; to provide for railroad tracks, bridges, viaducts and tunnels; and the repeal of all laws and parts of laws in conflict with the provisions of this Act, except such laws pertaining to revenue.

Public Roads and Highways.

By Mr. Staples:

H. 126. To amend Section 87 of an Act entitled "An Act to provide for the General Revenue of the State of Alabama," approved July 10, 1935:

Ways and Means.

By Mr. Reid:

H. 127. To require all persons, firms, corporations and companies using coupons, scrip, punchouts, store orders or other evidences of indebtedness to pay laborers and employees for labor, or otherwise to redeem the same in good and lawful money of the United States in the hands of their employees, laborers or a bona fide holder, and to provide a legal remedy for collection of same in favor of said laborers, employees, and such bona fide holder.

Rules.

By Mr. Street:

H. 128. To make an appropriation for the support, maintenance and improvement of The Southern Industrial Institute.

Appropriations.

By Mr. Calhoun:

H. 129. To amend an Act entitled "An Act to provide for the general Revenue of the State of Alabama."

Ways and Means.

By Mr. Hendley (with notice and proof):

H. 130. To provide that all persons in Covington County Alabama be relieved from all legal obligations to work on the public roads or to pay any money in lieu of such obligation to work on the public roads in said county, and to prohibit the levy and collection of a per capita road tax in said County.

Local Legislation No. One.

Notice and proof H. 130:

NOTICE

Notice is hereby given that at a Special Session of the Legislature of Alabama called to meet in 1936, a bill will be introduced providing that all persons in Covington county, Ala., will be exempted from public road duty or the payment of a road tax in lieu thereof.

This bill to go into effect immediately upon its approval by the Governor.

W. H. WILLIAMS.

STATE OF ALABAMA COVINGTON COUNTY

Before the undersigned authority personally appeared Joe Jones, known to me to be the publisher of The Covington News, a newspaper published in Covington County, Alabama, and who being first duly sworn, says that the attached notices were published in said newspaper in the issues of Jan. 30th, Feb. 6th, 13th and 20th, 1936.

(Signed)

JOE JONES,

Publisher The Covington News.

Sworn to and subscriber before me, this the 20th day of February, 1936.

(Seal)

(Signed)

GEO. H. PROCTOR,

Notary Public.

By Mr. Shaver:

H. 131. To amend Schedule 133 of Section 348 Chapter 1, Article XIII of an Act entitled "An Act to provide for the general revenue of the state of Alabama" approved July 10, 1935.

Ways and Means.

By Mr. Almon:

H. 132. To amend Section 142 of Article V of an Act entitled, "An act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

Ways and Means.

By Mr. Lusk:

H. 133. To amend Section 103 of Article 4 of an act entitled "To provide for the general revenue of the State of Alabama" approved July 10, 1935, pertaining to and providing for appeals from final assessments made by the State Tax Commission.

Ways and Means.

By Mr. Chichester (by request):

H. 134. To repeal Sections 8518 to 8537, inclusive, of the Code of Alabama of 1923, and to provide that the provisions of said sections shall continue in force and effect as to all policies of insurance heretofore registered as authorized by said sections.

Insurance and Insurance Companies.

By Mr. Owen (Etowah):

H. 135. To amend an Act of the Legislature of Alabama approved August 4, 1931 entitled, "An Act to provide for the government and control by civil service regulations of the police department and fire department in cities of the State of Alabama operating under the commission form of government and which now have or which may hereafter have a population of as much as twenty-four thousand and less than fifty thousand people, according to the latest or any succeeding Federal Census; to provide for a civil service board in such cities and fix their duties, authorities, powers, and compensation" so as to require all members of the police department in said cities to enter into bond conditioned for the faithful and proper performance of their duties as policemen before entering upon their duties, and to provide further that their appointment shall be revoked by the civil service board upon their failure to enter into such bond within ten days after said appointment.

Municipal Organizations.

By Mr. Taylor:

H. 136. To amend Section 5 of an Act approved September 11, 1935, entitled "An act to adopt for the State of Alabama the provisions of the Wagner-Peyser Act; to designate the State Department of Labor, when created, as the agency of the State for the purposes of such Act, and to make an appropriation therefor."

Rules.

By Mr. Taylor:

H. 137. To amend Section 360 of an Act entitled An Act to provide for the general revenue of the State of Alabama, approved July 10, 1935 and known as House Bill 324.

Ways and Means.

By Mr. Adams:

H. 138. To amend Schedule 77 of Section 348 of Article 13, Chapter 3, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Ways and Means.

By Mr. Castleberry:

H. 139. To authorize and empower the Courts of County Commissioners and/or other governing bodies of all counties of Alabama which now have or which may hereafter have a population of less than 26,000 inhabitants, according to the last or any subsequent federal census, to transfer any funds (except school monies, sinking funds and the constitutional road and bridge fund) that may be received by the said counties to the general funds of the counties, at any meeting of said boards, or other governing bodies, and to ratify any such transfers heretofore made.

Judiciary.

BILLS ON SECOND READING

Mr. Welch, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. Welch:

H. 109. To provide for the revision, codification, digesting and promulgation of the public statutes of this State.

By Mr. Merrill:

H. 60. To amend subsection 46 of Section 4556 of the code of Alabama of 1923.

By Mr. Welch:

H. 66. To amend an Act entitled An Act to amend Section 5742 of the Code of Alabama of 1923, approved July 23, 1931.

By Mr. McDermott:

H. 103. To amend Section 3238 of the Code of Alabama of 1923 relating to appeals in habeas corpus cases.

By Mr. Davis:

H. 104. To amend Section 8605 of the Code of Alabama 1923.

By Mr. Sparks (Barbour):

H. 95. To authorize and empower the State Treasurer to pay to the owners of warrant refunding bonds issued under the authority of the Constitutional Amendment known as "The Debt Refunding Amendment, Act No. 179, passed April 14, 1933, Acts 1933, p.

196, and under the authority of Act No. 177, approved April 17, 1933, authorizing the issuance of such bonds pursuant to the authority of such Constitutional Amendment, the amount of such bonds with interest through July 1, 1935, when the bonds belonging to such owners have been lost, stolen or destroyed; to provide the method of such payment; to provide the proof of such loss and to provide for indemnifying the State Treasurer for such payment and to provide punishment for any false statement in connection therewith.

Mr. Harrison, Chairman of the Standing Committee on Ways and Means, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

By Mr. Castleberry (with amendment):

H. 61. To authorize and empower the Board of Revenue or Court of County Commissioners or other governing body of each and every county in Alabama to expend an amount not to exceed one-third of the total amount that may be received by each county from the levy and collection of any tax on gasoline in the payment of any debt that may have been heretofore incurred by such county for the construction and/or maintenance of roads or bridges, and to ratify any such expenditure heretofore made.

Mr. Harrison, Chairman of the Standing Committee on Ways and Means, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Calhoun:

H. 18. To amend Article XIII, Chapter 1, Section 348, Schedule 104 of the General Revenue Law of 1935 entitled "An Act to provide for the general revenue of the State of Alabama."

Mr. Harrison, Chairman of the Standing Committee on Ways and Means, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report with amendment:

By Mr. Chichester (with amendment):

H. 24. To amend an act entitled, "An act to amend Section 269 of an act entitled 'An act to provide for the general revenue of the State of Alabama' approved July 10th, 1935", approved September 4th, 1935.

By Mr. Chichester (with amendment):

H. 25. To amend Section 291 of an act entitled, "An Act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

Mr. Harrison, Chairman of the Standing Committee on Ways and Means, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. Chichester:

H. 26. To amend Section 12 of an act entitled, "An Act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

By Mr. Calhoun:

H. 64. To amend Section 3 of Article 1 of an act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

Mr. Parrish, (Henry), Chairman of the Standing Committee on Agriculture reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Henson:

H. 58. To define turpentine gum (oleoresin) and the products as processed therefrom by the original producer as agricultural commodities and agricultural farm products.

Mr. Connor, Chairman of the Standing Committee on Local Legislation No. Two, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

By Mr. Welch (with amendment):

H. 82. To provide for and regulate the service of persons summoned for jury duty in the circuit courts in counties having a population of 300,000 or more according to the last or any subsequent Federal Census; and without limiting or derogating from the generality and comprehensiveness of the foregoing portion of this title, to regulate the excusing of persons summoned for jury service in such courts in such counties, and to provide for the performance of jury duty by persons summoned for such duty at a time subsequent to that for which they were originally summoned; and to provide for the fees of persons summoned for jury duty who are excused and required to perform jury duty at such subsequent time.

Mr. Connor, Chairman of the Standing Committee on Local Legislation No. Two, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. Welch:

H. 75. To provide that when separate cases or prosecutions against two or more defendants who are charged with the same

crime, whether felony or misdemeanor, are pending in the circuit court, and irrespective of whether such cases or prosecutions originated in the circuit court or were appealed from some lower court, that the circuit court may in its discretion order all such defendants tried jointly; and that the circuit court may order that one or more such defendants be each separately tried and the others tried jointly; and that the circuit court may order that several such defendants be tried jointly in one trial and the other defendants tried jointly in another trial; and that the circuit court may order that each such defendant be separately tried; and to provide that the provisions of this Act shall apply only in the circuit court in counties having a population of 300,000 or more according to the last or any subsequent Federal Census.

By Mr. Welch:

H. 79. To place the duty upon each Circuit Solicitor having a county or counties within his circuit with a population of 300,000 or more according to the last or any subsequent Federal Census, to represent the State in the Court of Appeals of Alabama and in the Supreme Court of Alabama, in all criminal cases appealed from the circuit court in such county or counties having a population of 300,000 or more according to the last or any subsequent Federal Census.

By Mr. Welch:

H. 77. To amend Section 6672 of the 1923 Code of Alabama.

By Mr. Welch:

H. 81. To provide that when prosecutions against two or more defendants, charged with the same offense against the ordinances of a municipal corporation, are pending in the circuit court on appeal from a judgment or judgments of conviction in the court of any town or city, the circuit court may in its discretion order all such defendants tried jointly or may order that one or more such defendants be each separately tried and the others jointly tried, or may order that several such defendants be tried jointly in one trial and the others tried jointly in another trial, or may order that each such defendant be separately tried.

By Mr. Welch:

H. 76. To provide that when two or more defendants are jointly charged with any crime, whether felony or misdemeanor, they shall be tried jointly, unless the court in its discretion on motion of the Solicitor for the State, or any defendant order otherwise; and to authorize the court to order that one or more such defendants be each separately tried and the others jointly tried, and to authorize the court to order that several defendants be jointly tried

in one trial and the other defendants jointly tried in another trial, and to authorize the court to order that each defendant be separately tried; and to provide that the provisions of this Act shall apply only in the circuit court in counties having a population of 300,000 or more according to the last or any subsequent Federal Census.

By Mr. Welch:

H. 83. To regulate and fix rules in regard to motions for new trials in the circuit court in counties having a population of 300,000 or more according to the last or any subsequent Federal Census; and without limiting or derogating from the generality and comprehensiveness of the foregoing portion of this title, to fix, declare and keep such courts in such counties always open for the filing of, presenting and calling to the attention of the court, continuing, hearing and deciding motions for new trials; and to fix the time within which motions for new trials may be filed, presented and called to the attention of the court, continued, etc., in such courts in such counties.

The above and foregoing bills were severally read a second time and placed on the Calendar.

REPORT OF STANDING COMMITTEE ON ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed Bills begs leave to report that said committee, in session, has compared the following engrossed bills with the original bills and finds same correctly engrossed, to-wit:

H. 7. To amend Section 370-A of an Act Entitled "An Act to Provide for the General Revenue of the State of Alabama", Approved July 10, 1935.

Also:

H. 19. To amend Schedule 158.1, of Chapter 6, Article 13, of an Act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935, and as amended September 21, 1935.

Also:

H. 20. To amend Section 31 of an Act entitled "An Act to provide for the General Revenue of the State of Alabama".

Also:

H. 40. To authorize and empower cities of more than twenty five hundred population, according to the last Federal Census, where no City Board of Education exists, to sell and dispose of property formerly owned and used for educational purposes but which is no longer used or useful for educational purposes.

Also:

H. 46. To amend Section 202 of an Act entitled "An Act to Provide for the General Revenue of the State of Alabama, approved July 10, 1935 and known as House Bill No. 324, relating to the final settlement of Tax Collectors.

Also:

H. 47. To amend Section 195 of an act entitled "An Act to provide for the general Revenue of the State of Alabama" approved July 10th, 1935 and known as House Bill No. 324, relating to the final settlement of Tax Collectors.

M. P. Kelly,
Chairman.

The report of the Standing Committee on Engrossed Bills was concurred in and adopted.

BILLS ON THIRD READING

H. 93. To amend Section 4 of an Act entitled an Act, "To amend Section 4 of an Act entitled: An Act to provide for the consolidation of the administration and control of the public school system in any county of not less than seventy five thousand nor more than one hundred thousand population according to the last or any succeeding Federal Census; to establish a Board of Education, in lieu of all other city and county Boards of Education in such counties, and provide for the manner of its selection and to define its authority, as amended by Act approved March 5, 1931, and as further amended by Act approved July 8, 1931 and as further amended by Act approved July 11, 1935.

Was taken up. Mr. Goodwyn offered the following amendment to the bill, H. 93:

Amend House Bill 93 by striking therefrom the title thereof and inserting in lieu thereof the following:

A BILL

To be entitled An Act to Amend Section 4 of the Act entitled "An Act to provide for the consolidation of the administration and control of the public school systems in any county of not less than seventy five thousand nor more than one hundred thousand population according to the last or any succeeding Federal Census; to establish a Board of Education in lieu of all other city and county boards of Education in such counties, and provide for the manner of its selection and define its authority," Approved September 6, 1927, as heretofore amended by Acts approved March 5, 1931, July 8, 1931 and July 11, 1935", so as to confer additional powers upon

the Board of Education established by said Act and to validate purchases of property heretofore made and contracts of employment heretofore entered into and warrants heretofore issued by said Board.

And further amend House Bill 93 by striking therefrom the first sentence of Section 1 preceding words "Section 4" and inserting in lieu thereof the following:

That Section 4 of the Act entitled, An Act to provide for the consolidation of the administration and control of the public school systems in any county of not less than seventy five thousand nor more than one hundred thousand population according to the last or any succeeding Federal Census; to establish a Board of Education in lieu of all other city and county Boards of Education in such counties, and provide for the manner of its selection and to define its authority, Approved September 6, 1927, and heretofore amended by Acts approved March 5, 1931, July 8, 1931 and July 11, 1935 be amended so as to read as follows:

And the amendment was adopted.

Yeas, 65; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Douglass	Livingston	Reynolds
Adams	Glover	Long	Shaver
Arnold	Goodwyn	Lusk	Shipman
Austin	Haley	Merrill	Sightler
Bateman	Hamner	Miles	Steele
Blann	Hanks	Miller	Terry
Boswell	Hare	Moore	Tidmore
Braswell	Harrison	O'Neal	Todd
Bridges	Heflin	Petrey	Tolbert
Calhoun	Henson	Poole	Tompkins
Chichester	Hill	Posey (Walker)	Waldrep
Connor	Hollis	Posey (Winston)	Wallace
Cox	Johnston	Propst	Welch
Delony	Jones	Rayburn	Whigham
Denson	Kelly	Reeder	Williams
De Vane	Kirby	Reid	Wright
Dominick	Langdon		

—66

And the bill:

H. 93. To amend Section 4 of an Act entitled an Act, "To amend Section 4 of an Act entitled: An Act to provide for the consolidation of the administration and control of the public school system in any county of not less than seventy five thousand nor more than one hundred thousand population according to the last or any succeeding Federal Census; to establish a Board of Education, in lieu of all other city and county Boards of Education in such counties, and provide for the manner of its selection and to define its authority, as amended by Act approved March 5, 1931, and as

further amended by Act approved July 8, 1931 and as further amended by Act approved July 11, 1935.

As amended, was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Douglass	Livingston	Reynolds
Adams	Glover	Long	Shaver
Arnold	Goodwyn	Lusk	Shipman
Austin	Haley	Merrill	Sightler
Bateman	Hamner	Miles	Steele
Blann	Hanks	Miller	Terry
Boswell	Hare	Moore	Tidmore
Braswell	Harrison	O'Neal	Todd
Bridges	Heflin	Petrey	Tolbert
Calhoun	Henson	Poole	Tompkins
Chichester	Hill	Posey (Walker)	Waldrep
Connor	Hollis	Posey (Winston)	Wallace
Cox	Johnston	Propst	Welch
Delony	Jones	Rayburn	Whigham
Denson	Kelly	Reeder	Williams
De Vane	Kirby	Reid	Wright
Dominick	Langdon		

—66

H. 1. To require the Court of County Commissioners of Chilton County, Alabama, before making any purchase of goods, wares, merchandise, machinery or supplies, for or on behalf of Chilton County, to advertise for and obtain competitive bids for the purchase of such goods, wares, merchandise, machinery or supplies in all cases where the amount of such purchase exceeds the sum of \$150.00 and to provide for the manner of giving notice of the time and place for receiving such bids, and providing the penalty for the non-compliance with the terms of this act and to require the acceptance of the lowest and best competitive bid for any such purchase.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Calhoun	Glover	Hill
Adams	Chichester	Goodwyn	Hollis
Arnold	Connor	Haley	Johnston
Austin	Cox	Hamner	Jones
Bateman	Delony	Hanks	Kelly
Blann	Denson	Hare	Kirby
Boswell	De Vane	Harrison	Langdon
Braswell	Dominick	Heflin	Livingston
Bridges	Douglass	Henson	Long

Lusk	Posey (Walker)	Shipman	Tompkins
Merrill	Posey (Winston)	Sightler	Waldrep
Miles	Propst	Steele	Wallace
Miller	Rayburn	Terry	Welch
Moore	Reeder	Tidmore	Whigham
O'Neal	Reid	Todd	Williams
Petrey	Reynolds	Tolbert	Wright
Poole	Shaver		

—66

On motion of Mr. Cox, the bill, H. 1, was ordered sent forthwith to the Senate without engrossment.

H. 51. To repeal an Act entitled, "To provide for the payment in Pickens County, Alabama, of a license or privilege tax on gasoline and other motor fuel and to provide for the collection thereof and penalties for violation thereof".

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Douglass	Livingston	Reynolds
Adams	Glover	Long	Shaver
Arnold	Goodwyn	Lusk	Shipman
Austin	Haley	Merrill	Sightler
Bateman	Hamner	Miles	Steele
Blann	Hanks	Miller	Terry
Boswell	Hare	Moore	Tidmore
Braswell	Harrison	O'Neal	Todd
Bridges	Heflin	Petrey	Tolbert
Calhoun	Henson	Poole	Tompkins
Chichester	Hill	Posey (Walker)	Waldrep
Connor	Hollis	Posey (Winston)	Wallace
Cox	Johnston	Propst	Welch
Delony	Tones	Rayburn	Whigham
Denson	Kelly	Reeder	Williams
De Vane	Kirby	Reid	Wright
Dominick	Langdon		

—66

On motion of Mr. Langdon the bill, H. 51, was ordered sent forthwith to the Senate without engrossment.

H. 50. To authorize the Board of County Commissioners, or like governing body, of Pickens County, Alabama, to levy and collect a privilege tax on all persons, Corporations, Co-partnerships, Companies, Agencies, Associations and Refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naptha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil", "fuel oil", or "crude oil", commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; To authorize said Board of County Commissioners, or like governing body, of said County to

provide the necessary rules and regulations and machinery for the collection of said privilege tax; To make provisions for the distribution of the funds derived from said privilege tax; To prohibit any incorporated city or town in said county from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels on a quantity basis; To repeal the municipal privilege, excise and/or license taxes on gasoline, Woco Pep, or any other motor fuel used by self-propelled vehicles which may now be collected or levied by any incorporated city or town in said County; To provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; To repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Douglass	Livingston	Reynolds
Adams	Glover	Long	Shaver
Arnold	Goodwyn	Lusk	Shipman
Austin	Haley	Merrill	Sightler
Bateman	Hamner	Miles	Steele
Blann	Hanks	Miller	Terry
Boswell	Hare	Moore	Tidmore
Braswell	Harrison	O'Neal	Todd
Bridges	Heflin	Petrey	Tolbert
Calhoun	Henson	Poole	Tompkins
Chichester	Hill	Posey (Walker)	Waldrep
Connor	Hollis	Posey (Winston)	Wallace
Cox	Johnston	Propst	Welch
Delony	Jones	Rayburn	Whigham
Denson	Kelly	Reeder	Williams
De Vane	Kelly	Reid	Wright
Dominick	Langdon		

—66

On motion of Mr. Langdon the bill, H. 50, was ordered sent forthwith to the Senate without engrossment.

H. 52. To Authorize and provide for the payment of the sum of Two Hundred and fifty dollars (\$250.00) for the relief of James W. Carpenter of Reform, Alabama, Pickens County who was injured on the 20th day of September 1934, while being transported to work for said County.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Douglass	Livingston	Reynolds
Adams	Glover	Long	Shaver
Arnold	Goodwyn	Lusk	Shipman
Austin	Haley	Merrill	Sightler
Bateman	Hamner	Miles	Steele
Blann	Hanks	Miller	Terry
Boswell	Hare	Moore	Tidmore
Braswell	Harrison	O'Neal	Todd
Bridges	Heflin	Petrey	Tolbert
Calhoun	Henson	Poole	Tompkins
Chichester	Hill	Posey (Walker)	Waldrep
Connor	Hollis	Posey (Winston)	Wallace
Cox	Johnston	Propst	Welch
Delony	Jones	Rayburn	Whigham
Denson	Kelly	Reeder	Williams
De Vane	Kirby	Reid	Wright
Dominick	Langdon		

—66

On On motion of Mr. Langdon the bill, H. 52, was ordered sent forthwith to the Senate without engrossment.

H. 3. To further provide for the control, making, maintenance, building and improvement of the public roads and bridges of Chilton County, Alabama; to create the office of road supervisor for said County; to provide for his election or appointment, discharge and removal; to provide for his appointment in the event the Court of County Commissioners fail to elect; to fix his qualifications and prescribed his duties, power and authority; to provide for the manner of allowance and payment of claims against the County approved by him; to fix his compensation and expenses and manner of payment; to fix his bond and to provide for the approval of same and for the payment of the premium thereon by the County, to provide when this Act shall take effect; to provide that any section or provision of this Act being held invalid shall not affect the validity of any other section or provision; and the repeal of all laws or parts of laws in conflict with the provision of this Act, insofar as they apply to Chilton County, Alabama.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Bridges	Dominick	Harrison
Adams	Calhoun	Douglass	Heflin
Arnold	Chichester	Glover	Henson
Austin	Connor	Goodwyn	Hill
Bateman	Cox	Haley	Hollis
Blann	Delony	Hamner	Johnston
Boswell	Denson	Hanks	Jones
Braswell	De Vane	Hare	Kelly

Kirby	O'Neal	Reynolds	Tolbert
Langdon	Petrey	Shaver	Tompkins
Livingston	Poole	Shipman	Waldrep
Long	Posey (Walker)	Sightler	Wallace
Lusk	Posey (Winston)	Steele	Welch
Merrill	Propst	Terry	Whigham
Miles	Rayburn	Tidmore	Williams
Miller	Reeder	Todd	Wright
Moore	Reid		

—66

On motion of Mr. Cox the bill, H. 3, was ordered sent forthwith to the Senate without engrossment.

H. 2. To fix and determine the amount of compensation to be paid to the Members of the Court of County Commissioners of Chilton County, Alabama who are elected in the General election held in 1936 and each election thereafter and to provide the manner of the payment thereof.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Douglass	Livingston	Reynolds
Adams	Glover	Long	Shaver
Arnold	Goodwyn	Lusk	Shipman
Austin	Haley	Merrill	Sightler
Bateman	Hamner	Miles	Steele
Blann	Hanks	Miller	Terry
Boswell	Hare	Moore	Tidmore
Braswell	Harrison	O'Neal	Todd
Bridges	Heflin	Petrey	Tolbert
Calhoun	Henson	Poole	Tompkins
Chichester	Hill	Posey (Walker)	Waldrep
Connor	Hollis	Posey (Winston)	Wallace
Cox	Johnston	Propst	Welch
Delony	Jones	Rayburn	Whigham
Denson	Kelly	Reeder	Williams
De Vane	Kirby	Reid	Wright
Dominick	Langdon		

—66

On motion of Mr. Cox the Bill, H. 2, was ordered sent forthwith to the Senate without engrossment.

H. 94. For the relief of S. A. Powell, and to appropriate for the use of said S. A. Powell the sum of one hundred twenty five dollars for the loss of a mule killed by a truck belonging to Russell County on January 28, 1935, near Hurtsboro, Alabama.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Douglass	Livingston	Reynolds
Adams	Glover	Long	Shaver
Arnold	Goodwyn	Lusk	Shipman
Austin	Haley	Merrill	Sightler
Bateman	Hamner	Miles	Steele
Blann	Hanks	Miller	Terry
Boswell	Hare	Moore	Tidmore
Braswell	Harrison	O'Neal	Todd
Bridges	Heflin	Petrey	Tolbert
Calhoun	Henson	Poole	Tompkins
Chichester	Hill	Posey (Walker)	Waldrep
Connor	Hollis	Posey (Winston)	Wallace
Cox	Johnston	Propst	Welch
Delony	Jones	Rayburn	Whigham
Denson	Kelly	Reeder	Williams
De Vane	Kirby	Reid	Wright
Dominick	Langdon		

—66

On motion of Mr. Tompkins the bill, H. 94, was ordered sent forthwith to the Senate without engrossment.

H. 71. To repeal Sections 8653, 8654, 8655, 8656, 8657 and 8658 of the 1923 Code of Alabama.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Douglass	Livingston	Reynolds
Adams	Glover	Long	Shaver
Arnold	Goodwyn	Lusk	Shipman
Austin	Haley	Merrill	Sightler
Bateman	Hamner	Miles	Steele
Blann	Hanks	Miller	Terry
Boswell	Hare	Moore	Tidmore
Braswell	Harrison	O'Neal	Todd
Bridges	Heflin	Petrey	Tolbert
Calhoun	Henson	Poole	Tompkins
Chichester	Hill	Posey (Walker)	Waldrep
Connor	Hollis	Posey (Winston)	Wallace
Cox	Johnston	Propst	Welch
Delony	Jones	Rayburn	Whigham
Denson	Kelly	Reeder	Williams
De Vane	Kirby	Reid	Wright
Dominick	Langdon		

—66

On motion of Mr. Welch the bill, H. 71, was ordered sent forthwith to the Senate without engrossment.

H. 70. To amend Section 4589 of the 1923 Code of Alabama. (Relates to a second or subsequent premium on insurance policies).

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 79; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker

Almon	Haley	Merrill	Reid
Arnold	Hamner	Miles	Reynolds
Boswell	Hanks	Miller	Robertson (Cullman)
Braswell	Harrison	Moore	Robinson (Lowndes)
Bridges	Heflin	McGowin	Shaver
Buffington	Hendley	Norman (Bullock)	Sightler
Calhoun	Henson	Norman (Lowndes)	Sparks (Walker)
Chichester	Hill	O'Neal	Steele
Connor	Hodges	Owen (Etowah)	Taylor
Cook	Hollis	Owens (Madison)	Terry
Cox	Johnston	Parish (Henry)	Tidmore
Delony	Jones	Parish (Pike)	Todd
Denson	Kelly	Petrey	Tolbert
De Vane	Kirby	Poole	Tompkins
Dominick	Langdon	Posey (Walker)	Wallace
Douglass	Lee (Bullock)	Posey (Winston)	Welch
Glover	Lee (Monroe)	Propst	Whigham
Goodwyn	Livingston	Quarles	Williams
Goolsby	Long	Rayburn	Wright
	Lusk	Reeder	

—79

H. 39. To amend Section 6667 of the Code of Alabama of 1923, so as to provide that the Circuit Courts of the several counties of the State shall be open for the transaction of business at all times.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 75; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker

Adams	Haley	Merrill	Robertson (Cullman)
Arnold	Hamner	Miles	Robinson (Lowndes)
Austin	Hanks	Miller	Shaver
Bateman	Hare	Moore	Shipman
Blann	Heflin	Norman (Bullock)	Sightler
Boswell	Henson	Norman (Lowndes)	Sparks (Walker)
Braswell	Hill	O'Neal	Steele
Bridges	Hollis	Owens (Madison)	Terry
Calhoun	Johnston	Parish (Henry)	Tidmore
Chichester	Jones	Parish (Pike)	Todd
Cox	Kelly	Petrey	Tolbert
Delony	Kirby	Poole	Tompkins
Denson	Langdon	Posey (Walker)	Waldrep
De Vane	Lee (Bullock)	Posey (Winston)	Wallace
Dominick	Lee (Monroe)	Propst	Welch
Douglass	Livingston	Rayburn	Whigham
Glover	Long	Reeder	Williams
Goodwyn	Lusk	Reid	Wright
	Matthews	Reynolds	

—75

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following joint resolution and sends same herewith to the House:

By the Rules Committee:

S. J. R. 15. Resolved by the Senate, the House concurring, that when the two Houses adjourn today they adjourn to meet again at 10 A. M. Wednesday. Feby. 26th, 1936. No mileage is to be paid.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. McDermott the rules were suspended for the immediate consideration of S. J. R. 15. Mr. McDermott offered the following substitute for the resolution:

Be it resolved by the Senate, the House of Representatives concurring, that when the two Houses adjourn today, that they adjourn to meet Thursday, February 27th, 1936, at ten o'clock A. M. without benefit of mileage.

Mr. Poole moved to table the substitute and the motion was lost.

Yeas, 34; Nays, 39.

Yeas:

Messrs.:

Mr. Speaker	Glover	Parish (Pike)	Shaver
Adams	Goodwyn	Poole	Steele
Boswell	Hanks	Posey (Walker)	Todd
Bridges	Heflin	Quarles	Tolbert
Buffington	Johnston	Rayburn	Tompkins
Chichester	Lee (Monroe)	Reid	Waldrep
Connor	Lusk	Reynolds	Whigham
Dominick	Miller	Robertson (Cullman)	Wright
Douglass	Owen (Etowah)	Robinson (Lowndes)	

—34

Nays:

Messrs.:

Arnold	Doster	Matthews	Posey (Winston)
Bateman	Haley	Miles	Propst
Braswell	Hamner	Moore	Reynolds
Byars	Hare	McDermott	Shipman
Calhoun	Harrison	McGowin	Taylor
Castleberry	Hollis	Norman (Bullock)	Terry
Cook	Kelly	O'Neal	Tidmore
Cox	Kirby	Owens (Madison)	Welch
Denson	Lee (Bullock)	Parish (Henry)	Williams
De Vane	Long	Petrey	

—39

The substitute offered by Mr. McDermott was adopted and the resolution, S. J. R. 15, as amended by the substitute, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has non-concurred in the House amendment to the resolution:

S. J. R. 15. Relative to adjournment of the two Houses until Wednesday, Feb. 26th, 1936, without benefit of mileage.

And requests a Committee of Conference.

Committee on part of the Senate Messrs. Tucker, Rogers of Mobile and St. John.

And returns same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. McDermott the House reconsidered the vote by which the substitute for S. J. R. 15 was adopted. On motion of Mr. McDermott the substitute was laid on the table and the House concurred in and adopted S. J. R. 15.

REPORT OF STANDING COMMITTEE ON ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed Bills begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 93. To Amend Section 4 of the Act entitled "An Act to provide for the consolidation of the administration and control of the public school systems in any county of not less than seventy five thousand nor more than one hundred thousand population according to the last or any succeeding Federal Census; to establish a Board of Education in lieu of all other city and county boards of Education in such counties, and provide for the manner of its selection and define its authority," Approved September 6, 1927, as heretofore amended by Acts approved March 5, 1931, July 8, 1931 and July 11, 1935," so as to confer additional powers upon the Boards of Education established by said Act and to validate purchases of property heretofore made and contracts of employment heretofore entered into and warrants heretofore issued by said Board.

M. P. Kelly,
Chairman.

The report of the Standing Committee on Engrossed Bills was concurred in and adopted.

ADJOURNMENT

On motion of Mr. Sightler the House adjourned until Wednesday, February 26, 1936, at 10 o'clock A. M.

FIFTH DAY

House of Representatives,

Wednesday, February 26, 1936.

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Representative J. E. Hendley of Covington county.

ROLL CALL

On a call of the roll of the House the following members answered to their names:

Messrs.:			
Mr. Speaker	Denson	Livingston	Reynolds
Adams	Dominick	Long	Robertson (Cullman)
Almon	Doster	Lusk	Sanderson
Arnold	Douglass	Matthews	Shaver
Austin	Glover	Merrill	Shipman
Bateman	Goodwyn	Miles	Sightler
Blann	Haley	Miller	Sparks (Barbour)
Boswell	Hall	Moore	Sparks (Walker)
Braswell	Hamner	McDermott	Spence
Bridges	Hanks	McGowin	Staples
Britton	Hare	Norman (Lowndes)	Steele
Buffington	Harrison	O'Neal	Street
Bulger	Heflin	Owen (Etowah)	Taylor
Burleson	Hendley	Owens (Madison)	Terry
Byars	Henson	Parish (Henry)	Tidmore
Calhoun	Hill	Parish (Pike)	Todd
Carter	Hodges	Petrey	Tolbert
Castleberry	Hollis	Poole	Tompkins
Chichester	Johnston	Posey (Walker)	Toomer
Connor	Jones	Posey (Winston)	Waldrep
Cook	Kelly	Propst	Wallace
Cox	Kirby	Quarles	Welch
Davis	Lee (Bullock)	Rayburn	Whigham
Delony	Lee (Monroe)	Reeder	Williams

A quorum was present.

REPORT OF STANDING COMMITTEE ON REVISION OF
THE JOURNAL

Mr. Speaker:

Your Standing Committee on the Revision of the Journal begs leave to report that said Committee in session has carefully examined the Journal of the House for the Fourth Legislative Day and finds same correct.

R. L. Tolbert,
Vice-Chairman

The report of the Standing Committee on the Revision of the Journal was concurred in and adopted and the Journal of the House for the Fourth Legislative Day was approved.

COMMUNICATION

Speaker Walker read the following communication, which was ordered spread on the Journal of the House:

Hon. R. H. Walker,
Speaker House of Representatives,
State Capitol.

My Dear Mr. Walker:

Will you please call the attention of the House immediately after prayer, to the fact that the family of the late Colonel Alfred M. Tunstall has presented to the State through the Department of Archives and History, a portrait of the "Gentleman from Hale."

This portrait has been hung back of the Speaker's chair, which we felt was an appropriate location. No public ceremony will be held owing to the fact that addresses of appreciation were made by the Governor and members of the House and Senate in joint session at the Memorial Service following the death of Col. Tunstall.

Thanking you, I am,

Respectfully,
MARIE B. OWEN,
Director.

REPORT OF STANDING COMMITTEE ON ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed Bills begs leave to report that said committee, in session, has compared the following engrossed bills with the original bills and finds same correctly engrossed, to-wit:

H. 39. To amend Section 6667 of the Code of Alabama of 1923, so as to provide that the Circuit Courts of the several counties of the State shall be open for the transaction of business at all times.

Also:

H. 70. To amend Section 4589 of the 1923 Code of Alabama. (Relates to a second or subsequent premium on insurance policies).

M. P. Kelly,
Chairman.

The report of the Standing Committee on Engrossed Bills was concurred in and adopted.

INTRODUCTION OF BILLS

On a call of Counties, Bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Robertson (Cullman):

H. 140. To amend Section 289 of the 1927 School of Alabama. Education.

By Mr. Robertson (Cullman):

H. 141. To amend Section 290 of the 1927 School Code of Alabama. Education.

By Mr. Taylor:

H. 142. To fix the qualification of Circuit Judges, Courts of Record and of Judges of Inferior Courts within this State, which have been created by law, and whose jurisdiction in Civil and Criminal cases is countywide. Judiciary.

By Mr. Castleberry (with notice and proof):

H. 143. To abolish the fine and forfeiture fund of Conecuh County, Alabama; to provide for the payment into the general fund of said County of all moneys which under existing laws, or laws hereafter enacted, are payable into said fine and forfeiture fund; to provide that witnesses summoned on behalf of the State and all other claims which are payable out of the fine and forfeiture fund of Conecuh County shall, in the future, be paid out of the general fund of said County; to fix the priorities of said Claims; to provide for the registration of same; to regulate the payment of same; and to validate all witness certificates and claims now outstanding against the fine and forfeiture fund.

Local Legislation No. One.

Notice and proof H. 143:

NOTICE

Notice is hereby given that the following local bill in substance will be introduced at the next special session of the Legislature of Alabama.

A BILL
TO BE ENTITLED
AN ACT

To abolish the fine and forfeiture fund of Conecuh County, Alabama; to provide for the payment into the general fund of said County of all moneys which under existing laws, or laws hereafter enacted, are payable into said fine and forfeiture fund; to provide that witnesses summoned on behalf of the State and all other claims which are payable out of the fine and forfeiture fund of Conecuh County shall, in the future, be paid out of the general fund of said County; to fix the priorities of said Claims; to provide for the registration of same; to regulate the payment of same; and to validate all witness certificates and claims now outstanding against the fine and forfeiture fund.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1: That the fine and forfeiture fund of Conecuh County is hereby abolished.

Section 2. That it shall be the duty of the County Depository or the County Treasurer of said County to transfer any and all moneys now on hand in the fine and forfeiture fund of said County to the general fund of said County, and hereafter all moneys which under existing laws, or laws hereafter enacted, are payable into the fine and forfeiture fund of Conecuh County, shall, from and after the passage of this act, be paid into the general fund of said County.

Section 3: That after the trial or continuance of any case in the Circuit Court or in the County Court of Conecuh County, or upon discharge by the Court, of any witnesses summoned and appearing on behalf of the State, and upon the discharge of any witness called before any session of the grand jury of said County, the clerk of the court or the foreman of the grand jury shall issue to him a certificate showing the total amount due to said witness for attendance, mileage and ferriage as provided by the general laws of the State of Alabama now in force or as may be hereafter amended. The foreman of the grand jury shall be furnished with a book of such certificates of attendance, numerically arranged, and so prepared that an exact carbon copy of each witness certificate issued shall appear in said book, and when the grand jury is discharged, the foreman shall deliver to the clerk of the Circuit Court said duplicate witness certificates and the clerk of said Court shall thereupon certify to the County Depository or County Treasurer a list of all such certificates issued, showing the names of the persons to whom issued and the amount due on each such witness certificate, and the number of same.

Section 4: That it is hereby made the duty of the County Depository or the County Treasurer, if there should be such officer, to pay each witness certificate whether issued by the clerk of the Circuit Court, the Clerk of the County Court, or the foreman of the grand jury, on its presentation by the owner thereof, and to take up and cancel each one as it is paid, and also to mark same paid.

Section 5: All claims or witness certificates as above set out shall be preferred claims against the County, and shall have the same priority as is now provided by law for expenses of Courts and claims of grand and petit jurors. The County Treasurer or County Depository is hereby authorized and directed before each term of said Circuit Court and said County Court to retain out of the general funds of said County an amount sufficient to pay said witness certificates herein provided for.

Section 6: Whenever the cost in any criminal case in said Courts is imposed on the defendant or prosecutor, the fees of the witnesses for the State, both before the grand jury and upon the trial, shall be taxed against him as is now provided by law, and when said witness fees are so collected, they shall be paid by the officers collecting same into the County Depository or County Treasurer and be especially deposited to the preferred claim fund or classification from which the payment of witness certificates herein above set out are to be paid.

Section 7: That the fees of the clerk of the Circuit Court, Clerk of the County Court, and Sheriff of said County in cases where the State fails to convict, or where a nolle prosequi is entered, or where the case is abated by the death of the defendant, or where an indictment is withdrawn and filed, or where execution is returned "no property found", shall be paid out of the general fund of said County when audited and allowed by the Board of Revenue, and shall be preferred claims against such fund with the same priority of payment as is now provided by general law for payment of compensation to the sheriff and clerks of the Circuit Court.

Section 8: That the County Depository or the County Treasurer shall keep a separate book for the registration of all witness certificates and claims of officers which would otherwise be payable from the fine and forfeiture fund for the purpose of registering the aforesaid claims and shall immediately transfer to said book all such claims now registered against the fine and forfeiture fund, preserving the same priorities that said claims now enjoy.

Section 9: If at any time there should not be sufficient funds in the County Depository of the County Treasurer for the payment of the witness certificates and claims herein provided to be paid, over and above the amount necessary to pay preferred claims of prior rank, the County Depository or the County Treasurer shall pay off said certificates and claims in the order in which they shall be registered by the holders thereof.

Section 10: That all claims, script and certificates issued to witnesses summoned on behalf of the State before the grand jury or before the Circuit Court or County Court of Conecuh County, Alabama, and all such claims, script and certificates issued to the sheriff of said County and the clerks of the Circuit Court and County Court of said County, be and the same hereby are, ratified and made legal, and the County Depository or County Treasurer, is hereby authorized, empowered, and directed to permit the registration of same and to pay the same in the regular order of like claims against the County. Such claims, script and certificates shall not be subject to barter and sale, but shall be registered in the name of and payable only to the person to whom issued.

Section 11: Be it further enacted that if any section or provision of this Act shall be declared unconstitutional, it shall not affect or destroy the validity or constitutionality of any other section or provision herein which is not in and of itself unconstitutional.

Section 12: That all laws and parts of laws in conflict with the provisions of this act be, and they hereby are, repealed; this Act shall go into effect immediately upon its passage and approval by the Governor.
Jan. 30-Feb. 6-13-20—c)

STATE OF ALABAMA,
CONECUH COUNTY

Personally appeared before me, a Notary Public in and for said State and County, R. G. Bozeman who, being by me duly sworn, deposes and says that he is publisher of The Evergreen Courant, a newspaper published in Evergreen, in Conecuh County, Alabama, and that the attached notice was

published for four consecutive weeks in said newspaper commencing on the 30th, day of Jan. 1936, and ending on the 20th day of Feb. 1936.

R. G. BOZEMAN,
Publisher.

Sworn to and subscribed before me this the 25 day of Feby. 1936.
W. C. LESTER,
Notary Public.

By Mr. Castleberry (with notice and proof):

H. 144. To provide for the relief of J. R. Kelley, and to authorize the Board of Education of Conecuh County to audit and allow his claim, and to provide for the payment thereof.

Local Legislation No. One.

Notice and proof H. 144:

NOTICE

Notice is hereby given that the following local bill in substance will be introduced at the next special session of the Legislature of Alabama.

A BILL TO BE ENTITLED AN ACT

To provide for the relief of J. R. Kelley, and to authorize the Board of Education of Conecuh County to audit and allow his claim, and to provide for the payment thereof.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1.—That the Board of Education of Conecuh County, Alabama, is hereby authorized, in its discretion, to audit, allow and pass an account in favor of J. R. Kelley of Evergreen, Alabama, in the sum of \$512.82, for refund of commissions earned by the said J. R. Kelley, as Tax Collector of Conecuh County, Alabama, but which were paid in to the school funds of said County by order of State Examiners by way of a penalty for the failure of the said J. R. Kelley to make prompt settlement as Tax Collector of said County.

Section 2.—That upon the approval of said claim by the Board of Education of said County, the said amount shall be paid to the said J. R. Kelley, by the Treasurer of School Funds of Conecuh County, in such manner as may be ordered by said Board of Education.

Section 3.—That this act shall go into effect immediately upon its passage and approval by the Governor.

(Jan. 30-Feb. 6-13-20—c)

STATE OF ALABAMA, CONECUH COUNTY.

Personally appeared before me, a Notary Public in and for said State and County, R. G. Bozeman, who, being by me duly sworn, deposes and says that he is publisher of The Evergreen Courant, a newspaper published in Evergreen, in Conecuh County, Alabama, and that the attached notice was published for four consecutive weeks in said newspaper commencing on the 30th day of Jan. 1936, and ending on the 20th day of Feb. 1936.

R. G. BOZEMAN,
Publisher.

Sworn to and subscribed before me this the 25th day of Feb. 1936.
C. R. JAMES,
Notary Public.

By Mr. Castleberry:

H. 145. To authorize by law, members of Board of Revenue, County Commissioners or like officers, of all counties in Alabama, with a population according to the last Federal Census, or any subsequent Federal Census of not less than 45,500 and not more than 55,000, may charge and collect five cents per mile for all mileage made by the hereinbefore named officers, while in the discharge of their official duties, to defray the expenses of their transportation, including use of automobiles, gas and oil, but in no event shall any officer above named exceed 300 miles any one month for which the respective counties will be liable for said charge; this Act not to apply to any counties now having a charge for road services or which may hereafter have charge for said service; said charge to be paid out of any funds available for said counties effected, and to be paid by warrant drawn by chairman of Board of Revenue, County Commissioners or like officers for said counties, and only after claim for mileage charge has been passed and approved by said Board having charge of the same.

Revision of Laws.

By Mr. Castleberry (with notice and proof):

H. 146. To provide for the relief of J. R. Kelly, and to authorize the Board of Revenue of Conecuh County to audit and allow his claim, and to provide for the payment thereof.

Local Legislation No. One.

Notice and proof H. 146:

NOTICE

Notice is hereby given that the following local bill in substance will be introduced at the next special session of the Legislature of Alabama.

A BILL

TO BE ENTITLED

AN ACT

To provide for the relief of J. R. Kelley, and to authorize the Board of Revenue of Conecuh County to audit and allow his claim, and to provide for the payment thereof.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1.—That the Board of Revenue of Conecuh County, Alabama, is hereby authorized, in its discretion, to audit, allow and pass an account in favor of J. R. Kelley of Evergreen, Alabama, in the sum of \$217.49, for refund of commissions earned by said J. R. Kelley as Tax Collector of Conecuh County, Alabama, but which were paid over to the County by order of State Examiners by way of a penalty for the failure of the said J. R. Kelley to make prompt settlement as Tax Collector of said County.

Section 2.—That the Chairman of the Board of Revenue or other authorized officer be and is hereby authorized after the allowance of said ac-

count to draw the proper voucher or warrant on the treasurer or depository of said County of Conecuh in the sum of \$217.49 in favor of said J. R. Kelley, and the said treasurer or depository is hereby authorized on said voucher or warrant to pay the same out of the general funds of said County.

Section 3.—That this act shall go into effect immediately upon its passage and approval by the Governor.
(Jan. 30-Feb. 6-13-20—c)

**STATE OF ALABAMA,
CONECUH COUNTY.**

Personally appeared before me, a Notary Public in and for said State and County, R. G. Bozeman who, being by me duly sworn, deposes and says that he is publisher of The Evergreen Courant, a newspaper published in Evergreen, in Conecuh County, Alabama, and that the attached notice was published for four consecutive weeks in said newspaper commencing on the 30th day of Jan. 1936, and ending on the 20th day of Feb. 1936.

R. G. BOZEMAN,

Publisher.

Sworn to and subscribed before me this the 25th day of Feb. 1936.

C. R. JAMES,

Notary Public.

By Mr. Steele:

H. 147. To provide for the general revenue of the State of Alabama.

Ways and Means.

By Mr. Almon:

H. 148. To amend Section 178 of Article 6 of an act entitled, "An Act to provide for the general revenue of the State of Alabama", Approved July 10, 1935.

Ways and Means.

By Mr. Dominick:

H. 149. To provide an additional method or mode for witnesses in any State, Circuit, County or Municipal Court, or any other legally constituted tribunal of or in the State of Alabama to be served with a subpoena or summons and authorizing such witness to accept service of such subpoena or summons, and also to provide for the service on witnesses by the Clerk of any Court mailing such witness by registered mail a summons or subpoena with a return receipt demanded therefor.

Judiciary.

By Mr. Calhoun:

H. 150. To regulate the business and trade of plumbing in all counties of this State having a population of 45,500, and not greater than 55,000, according to the last or any subsequent Federal Census, to create a Board to be known as the Board of Plumbers Examination and Registration of Alabama; to provide for the appointment of the members of said Board of Plumbers Examination and Registration of Alabama, and to provide for the appointment

of successors of the members thereof, and for the organization of said Board and for the remuneration of the members and officers thereof; to specify the powers and duties of said Board of Plumbers Examination and Registration and provide the ways and means of collecting funds for its maintenance and functioning; to define the terms "plumbing" "master plumber" and "journeyman plumbers" for the purpose of this Act; provide for the examination, registration and licensing of master plumbers and journeyman plumbers engaged, engaging or desiring to engage in the business or handicraft of plumbing within such counties and fix the fees to be assessed of applicants for examination, registration and licensing of such master plumbers or journeyman plumbers and for the renewals of such registration and licenses; to authorize and empower said Board of Plumbers Examination and Registration of Alabama to conduct investigation and hearing of and concerning violations of this Act and to grant unto said Board of Plumbers Registration and Examination the power and authority to revoke after hearing, any licenses issued by said Board on account of any violations or violation of any provision or provisions of this Act by any master plumber or journeyman plumber, who may violate any of the provisions of this Act, and to provide further penalties for any violation or violations of the provisions of this Act, and to provide for appeal to the various Circuit Courts of Alabama by any aggrieved person from any order ruling, decree or revocation of such license by said Board of Plumbers Examination and Registration of Alabama and to provide for a seal and its use by said Board; and also to repeal all laws in conflict herewith.

Revision of Laws.

By Mr. Tolbert (with notice and proof):

H. 151. To allow the Sheriff of DeKalb County, Alabama, an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of DeKalb County in monthly installments.

Local Legislation No. One.

Notice and proof H. 151:

AN ACT

To allow the Sheriff of DeKALB COUNTY, Alabama, an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of DeKalb County in monthly installments.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the Sheriff of DeKalb County is hereby allowed an additional deputy to the deputies now provided by law, which said deputy shall receive a salary of Twelve Hundred (\$1200.00) Dollars per annum, to be paid

in twelve equal monthly installments out of the General Funds of said County; that said deputy sheriff shall be eligible to perform the duties of deputy sheriff anywhere in said County.

Section 2. That on the first day of each month a statement of the name and amount due said deputy sheriff shall be furnished to the Board of Revenue by the Sheriff and it shall thereupon be the duty of the said County to order a warrant drawn upon the General Funds of the County payable to said deputy sheriff for the amount of one month's salary as hereinabove provided.

Section 3. That all laws and parts of laws in conflict with this Act are hereby expressly repealed, and this Act shall be in full force and effective from the date of its approval by the Governor.

STATE OF ALABAMA,
DeKALB COUNTY.

Personally appeared before me the undersigned, a Notary Public in and for said County and State, E. O. Davidson, Publisher of The Fort Payne Journal, a newspaper in and for said County and State, who after being duly sworn, states on oath that the advertisement, a true copy of which is hereto attached, was published in said newspaper in the issues of January 15, 22, 29, and Feb. 5, 1936.

E. O. DAVIDSON,
Publisher.
Sworn to and subscribed before me this 8th. day of February, 1936.
Ozelle Green,
Notary Public.

By Mr. Waldrep (with notice and proof):

H. 152. To authorize and empower the Court of County Revenue of Franklin County, Alabama, to apply to, and expend on State and or State and Federal aid highways, within said County in said State, any part or all of the funds of said County derived from the excise tax on gasoline or other liquid motor fuels heretofore levied or that may hereafter be levied and collected by the State of Alabama and paid to said County in the construction or repair of said highways, in connection with other funds contributed or expended by the State of Alabama and or the Federal Government, or otherwise, and to authorize and empower the said Court of County Revenue of said County to enter into contracts for said construction or repair of said highways with the State of Alabama and or the Federal Government. Also to authorize and empower the Court of County Revenue of said Franklin County to borrow money for the purpose of constructing or repairing State and or State and Federal highways within said County and to pledge as security therefor, any or all of the said excise tax on gasoline or other liquid motor fuels heretofore levied or that may hereafter be levied and collected by the State of Alabama, and paid to said Franklin County as security for said loan or loans, and to provide for the issuance of interest bearing warrants to secure and liquidate said loans; provided however, that \$10,000.00 per year of said excise tax shall not be affected by this Act, but shall be applied on

bonded indebtedness of the County as provided by a Local Act for said County.

Local Legislation No. One.

Notice and proof H. 152:

LEGAL NOTICE

STATE OF ALABAMA, FRANKLIN COUNTY.

Please take notice that at the approaching special session of the Legislature of Alabama, I will introduce and pass a Local Bill for Franklin County, in words and figures as follows:

A BILL TO BE ENTITLED AN ACT

To authorize and empower the Court of County Revenue of Franklin County, Alabama, to apply to, and expend on State and or State and Federal aid highways, within said County in said State, any part or all of the funds of said County derived from the excise tax on gasoline or other liquid motor fuels heretofore levied or that may hereafter be levied and collected by the State of Alabama and paid to said County in the construction or repair of said highways, in connection with other funds contributed or expended by the State of Alabama and or the Federal Government, or otherwise, and to authorize and empower the said Court of County Revenue of said County to enter into contracts for said construction or repair of said highways with the State of Alabama and or the Federal Government. Also to authorize and empower the Court of County Revenue of said Franklin County to borrow money for the purpose of constructing or repairing State and or State and Federal highways within said County and to pledge as security therefor, any or all of the said excise tax on gasoline or other liquid motor fuels heretofore levied or that may hereafter be levied and collected by the State of Alabama, and paid to said Franklin County as security for said loan or loans, and to provide for the issuance of interest bearing warrants to secure and liquidate said loans; provided however, that \$10,000.00 per year of said excise tax shall not be affected by this Act but shall be applied on bonded indebtedness of the County as provided by a Local Act for said County.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Court of County Revenue of Franklin County, Alabama, be, and said Court is, hereby authorized and empowered to apply and expend any or all of the excise tax on gasoline or other liquid motor fuels heretofore levied or that may hereafter be levied and collected by the State of Alabama and paid to the said Franklin County in construction or repair of State and or State and Federal highways within said County, and said expenditure of said funds by said Court, may be made in connection with funds being expended on said highways by the State of Alabama and or the Federal Government; and said Court of County Revenue of said Franklin County is hereby authorized and empowered to enter into contracts with the State of Alabama and or the Federal Government for the construction or repair of said highways within said County of Franklin.

Section 2. The Court of County Revenue of Franklin County is hereby authorized and empowered to borrow money for the purposes enumerated in Section One of this Act and to pledge, as security, for such loan or loans all or any part of the future monthly installments of said excise tax com-

ing to said County of Franklin as now or hereafter provided by law and said Court is hereby authorized and empowered to issue interest bearing warrants against said anticipated excise tax funds and deliver the same to the person, firm or corporation from whom said loans are obtained. Said warrants shall become due one each calendar month and on the 15th day thereof, and each warrant shall be paid out of said excise tax funds received by said County during said month. Said warrants, when issued, shall be registered on the books of the County Treasurer or other designated custodian of county funds, and said County Treasurer or other custodian of county funds shall set aside, out of each month's excise tax, when paid to him, a sufficient amount of said excise tax fund to pay said warrant coming due in said month, until all of said warrants, with interest, are paid and retired. The due date of no warrant shall be more than four years from the date of issue. Said warrants shall be authorized by the Court of County Revenue, and issued and signed by the Judge of Probate of said Franklin County, Alabama.

Section 3. Loans provided for in this Act may be obtained from more than one person, firm or corporation and if more than one loan is obtained, each loan shall be secured and paid by the issuance of series of interest bearing warrants as provided for in Section Two, hereof.

Section 4. Nothing in this Act however, shall apply to or affect the \$10.-000.00 per year of said excise tax set apart by a Local Act for Franklin County to be applied on bonded indebtedness.

Section 5. All laws, both general, special or local in conflict with the provisions of this Act, be, and the same are, hereby repealed, and this Act shall take effect immediately on its passage and approval by the Governor.

EUGENE WALDREP,
Representative Franklin County.

16-4tc.

STATE OF ALABAMA, FRANKLIN COUNTY.

Before me Angie Logan Thompson, a Notary Public in and for said County, in said State, came M. S. Hansbrough, who being duly sworn, states and says as follows:

I am the Editor of the Franklin County Times, a weekly newspaper of general circulation, published in the City of Russellville, County of Franklin and State of Alabama. The notice of intention to introduce and pass the bill, a copy of which is attached hereto, and made a part hereof, was duly published in said newspaper in four successive issues, said issues being dated Jan., 16, 1936; Jan., 23, 1936; Jan., 30, 1936; Feb., 6, 1936.

M. S. Hansbrough,
Sworn to and subscribed before me on this the 13th. day of February, 1936.

Angie Logan Thompson,
Notary Public.

By Mr. Waldrep (with notice and proof):

H. 153. To amend an act entitled An Act: "To require twenty per cent of the total funds received by Franklin County from the levy and collection by the State of gasoline taxes, or taxes on other motor fuels to be used for the purpose of establishing a sinking fund for the retirement of the \$227,000.00 in bonds of said county, requiring the County Treasurer of said County to set aside said fund for said purpose; authorizing the Commissioners Court or Board of Revenue of said County to purchase and retire before

maturity said bonds or any portion thereof, with said fund; providing that on final payment and retirement of said bonds, all such funds received by said County from the said gasoline taxes, or taxes on other motor fuels shall be used as provided by the general laws of Alabama; and providing the time when this Act shall take effect. Approved by the Governor on June 6th, 1935, so as to make said Act read as follows: An Act to require the Treasurer or other legal custodian of the funds of Franklin County, Alabama, to set aside out of the excise tax on gasoline or other liquid motor fuels, collected by the State of Alabama and paid to the County of Franklin usually known as the gasoline tax, the sum of \$9,960.00 per year as a sinking fund, for the retirement of the \$227,000.00 of outstanding road bonds against said County; to provide the manner of setting aside the same and requiring the Court of County Commissioners to use said sinking fund in the purchase and retirement of said bonds, and providing the time when this Act shall take effect.

Local Legislation No. One.

Notice and proof H. 153:

LEGAL NOTICE

STATE OF ALABAMA, FRANKLIN COUNTY.

Notice is hereby given that at the approaching special session, of the Legislature of Alabama, the following Bill will be introduced, which bill reads in words and figures as follows:

A BILL TO BE ENTITLED AN ACT

To amend an act entitled An Act: "To require twenty per cent of the total funds received by Franklin County from the levy and collection by the State of gasoline taxes, or taxes on other motor fuels to be used for the purpose of establishing a sinking fund for the retirement of the \$227,000.00 in bonds of said county, requiring the County reasurer of said County to set aside said fund for said purpose; authorizing the Commissioners Court or Board of Revenue of said County to purchase and retire before maturity said bonds or any portion thereof, with said fund; providing that on final payment and retirement of said bonds, all such funds received by said County from the said gasoline taxes, or taxes on other motor fuels shall be used as provided by the general laws of Alabama; and providing the time when this Act shall take effect. Approved by the Governor on June 6th, 1935, so as to make said Act read as follows:

AN ACT

To require the Treasurer or other legal custodian of the funds of Franklin County, Alabama, to set aside out of the excise tax on gasoline or other liquid motor fuels, collected by the State of Alabama and paid to the County of Franklin usually known as the gasoline tax, the sum of \$9,960.00 per year as a sinking fund, for the retirement of the \$227,000.00 of outstanding road bonds against said County; to provide the manner of setting aside the same and requiring the Court or County Commissioners to use said sinking fund

in the purchase and retirement of said bonds, and providing the time when this Act shall take effect.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA

Section 1. That the County Treasurer or legal custodian of the funds of Franklin County is hereby required to set aside as a sinking fund for the retirement of the \$227,000.00 of outstanding road bonds of said County out of the excise taxes on gasoline or other liquid motor fuels, the sum of \$9,960.00 per year. On the receipt of said excise tax, by said County treasurer or other legal custodian of the funds of said County, said Treasurer or other legal custodian shall set apart, each month, the sum of \$830.00 and the same shall be kept as a separate fund to be paid out in the retirement of said bonds, as hereinafter provided.

Section 2. The Court of County Revenue of Franklin County, Alabama, shall, from time to time, as said fund may justify, direct the purchase and retirement, before maturity of said bonds or any portion thereof with said funds, the warrant to be drawn against said fund on order of said Court and issued and signed by the Judge of Probate of said County.

Section 3. That upon the final payment and retirement of said bonds or any refunding bonds issued by the county to refund said bonded indebtedness, the said Treasury or other legal custodian of the funds of the County shall no longer set aside said retirement fund, and all of said excise taxes aforesaid, shall be applied and expended in the manner now, or which may, hereafter be provided by law.

Section 4. The provisions of this Act shall take effect on July 1st., 1936 and all laws and parts of laws, general, special or local in conflict herewith, be, and the same are repealed, when this Act shall take effect.

EUGENE WALDREP,
Representative Franklin County.

23-4tc

STATE OF ALABAMA,
FRANKLIN COUNTY.

Before me, Angie Logan Thompson, a Notary Public in and for said County, in said State, came M. S. Hansbrough, who being duly sworn, states and says as follows:

I am the Editor of the Franklin County Times, a weekly newspaper of general circulation, published in the City of Russellville, County of Franklin and State of Alabama. The notice of intention to introduce and pass the bill, a copy of which is attached hereto, and made a part hereof, was duly published in said newspaper in four successive issues, said issues being dated January 23, 1936; January 30, 1936; February 6, 1936; February 13, 1936.

M. S. Hansbrough.

Sworn to and subscribed before me on this the 13th. day of February, 1936.

Angie Logan Thompson,
Notary Public.

By Mr. Waldrep (with notice and proof):

H. 154. To authorize the payment of the per diem and mileage of the members of the Court of County Revenue of Franklin County, Alabama, out of the excise gas tax of the county, when engaged in inspecting, accepting, building, repairing or maintaining public roads or bridges in the county.

Local Legislation No. One.

Notice and proof H. 154:

LEGAL NOTICE

STATE OF ALABAMA,
FRANKLIN COUNTY.

Please take notice that at the approaching special session of the Legislature of Alabama, I will introduce and pass a Local Bill for Franklin County, in words and figures as follows:

A BILL TO BE ENTITLED AN ACT

To authorize the payment of the per diem and mileage of the members of the Court of County Revenue of Franklin County, Alabama, out of the excise gas tax of the county, when engaged in inspecting, accepting, building, replacing or maintaining public roads or bridges in the county.

BE IT ENACTED BY THE LEGISLATURE

Section 1. The Court of County Revenue of Franklin County, Alabama, be, and said Court is, hereby authorized and empowered to pay the per diem and mileage of the members of said Court, as provided for in Section 6771 of the Code of Alabama, out of the excise gas tax fund of the County, while engaged in inspecting, accepting, building, repairing or maintaining any of the public bridges or highawys of the County.

Section 2. Nothing herein shall prevent the Court of County Revenue however, from paying the members of said court out of the General Funds of the County if said Court sees fit, so to do.

Section 3. The members of the Court of County Revenue of Franklin County shall keep separately their per diem and mileage when engaged in public road work as stated in Section One hereof, and shall submit the same to said Court separate from services otherwise performed for the County.

Section 4. All laws and parts of laws, general, special and local in conflict with the provisions of this Act be, and the same are, hereby repealed.

EUGENE E. WALDREP,
Representative Franklin County.

16-4tc.

STATE OF ALABAMA,
FRANKLIN COUNTY.

Before me, Angie Logan Thompson, a Notary Public in and for said County, in said State, came M. S. Hansbrough, who being duly sworn, states and says as follows:

I am the Editor of the Franklin County Times, a weekly newspaper of general circulation, published in the City of Russellville, County of Franklin and State of Alabama. The notice of intention to introduce and pass the bill, a copy of which is attached hereto, and made a part hereof, was duly published in said newspaper in four successive issues, said issues being dated Jan., 16, 1936; Jan., 23, 1936; Jan., 30, 1936; Feb., 6, 1936.

M. S. Hansbrough.

Sworn to and subscribed before me on this the 13th. day of February, 1936.

Angie Logan Thompson,
Notary Public.

By Mr. Braswell:

H. 155. To amend Section 4039 of the Code of Alabama of 1923.

Judiciary.

By Mr. Chichester:

H. 156. To authorize cities, towns and counties of Alabama to acquire sites for, and to acquire, establish and maintain Public Museums and Art Galleries, and to authorize the Administration thereof by instrumentalities selected by the governing bodies of such cities, towns and counties.

Municipal Organizations.

By Mr. Todd:

H. 157. To provide that in all counties in this State having a population of 300,000 or more according to the last or any subsequent Federal Census, the work of the probation of convicts shall be a County purpose; that the Board of Revenue, County Commission or other governing or like governing bodies of such counties shall be authorized to expend County funds for such purpose; to provide that such governing bodies in all such counties shall have the power to appoint probation officers and to fix their compensation and to pay the same out of County funds; to provide regulations for arrest and detention of offenders by Probation Officers; to confer upon Probation Officers the same rights, powers, and duties as those conferred, under the law to deputy sheriffs; and to further provide when this Act shall become effective.

Local Legislation No. Two.

By Mr. Douglass:

H. 158. To amend Section 276 of an Act entitled "an act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

Ways and Means.

By Mr. Byars (with notice and proof):

H. 159. To provide that certain officers of Lawrence County shall each receive an increase in pay as follows: The members of the Board of Revenue shall each receive Four Dollars (\$4.00) per day instead of Three Dollars (\$3.00) per day for services rendered to be paid from the gas tax fund and the sheriff shall receive Fifty Dollars (\$50.00) per month for gas, oil and car upkeep expenses to be paid from the gas tax fund and to provide if it is illegal to pay these amounts to any of them from the gas tax fund they shall be paid from the general fund or any other unexpended county funds.

Local Legislation No. One.

Notice and proof H. 159:

NOTICE

Notice is hereby given that at the coming special session of the legislature I will introduce a bill or bills to provide that the members of the Board of Revenue shall receive an increase of one dollar per day for services rendered the county, to be paid from the gas tax fund and to provide that fifty dollars a month be paid by Lawrence County to the sheriff for gas, oil and

car upkeep expenses, to be paid from the gas tax fund. In the event that it is illegal to pay these amounts or any of them from the gas tax fund they shall be paid from the general fund or any other unexpended county funds.

1-30-3

J. D. L. Byars.

Moulton, Ala., Feb. 17, 1936.

The State of Alabama,
Lawrence County.

Before me R. C. Jackson, a Notary public in and for said state and county, on this day personally appeared J. C. Hodgins, who being sworn in due form of law says, that he is Editor of The Moulton Advertiser, a weekly news paper published in Moulton, Lawrence County, Alabama, and as such Editor he published in said newspaper the attached notice for 3 consecutive weeks beginning Jan. 30., 1936, and ending February 13, 1936, as required by law.

J. C. Hodgins,
Editor.

Sworn to and subscribed before me this the 17th. day of February, 1936.

R. C. Jackson,
Notary Public.

By Mr. McDermott (with notice and proof):

H 160. To provide for an additional allowance for clerical assistance in the office of the Register of the Circuit Court of Mobile County, Alabama, and to provide for the payment of said allowance.

Local Legislation No. One.

Notice and proof H. 160:

LEGAL NOTICE

Mobile, Alabama, January 30th, 1936. Notice is hereby given that application will be made to the next special session of the Legislature of Alabama for the passage of a bill in substance as follows:

A BILL

TO BE ENTITLED

"An Act to provide for an additional allowance for clerical assistance in the office of the Register of the Circuit Court of Mobile County, Alabama, and to provide for the payment of said allowance.

Be it enacted by the Legislature of Alabama:

Section 1. There is hereby allowed, in addition to all allowances now provided by law, for clerical assistance in the office of the Register of the Circuit Court of Mobile County, Alabama, the sum of one hundred and fifty dollars per month, to be paid in monthly installments out of the county treasury, out of the general fund of Mobile County, Alabama, by the county treasurer, upon the certificate or certificates of said Register, to the person or persons who said Register may employ, and for the amount or amounts named in said certificate or certificates.

Section 2. This Act shall take effect upon its approval by the Governor."

Jan. 31, Feb. 7-14-21.

STATE OF ALABAMA,
MOBILE COUNTY.

Before me, D. E. Kern, a Notary Public in and for said County, personally appeared Wm. M. Curran, who being first duly sworn, deposes and says that he is the Auditor of the Mobile Register, a newspaper published daily in Mobile County, Alabama, and that the notice of publication of a local bill to be introduced in the Legislature of Alabama, a copy of which is attached hereto, was published in said newspaper for four consecutive weeks, commencing in the issue of January 31, 1936 and ending in the issue of February 21, 1936.

Wm. M. Curran.

Sworn to and subscribed before me, this 21st day of February 1936.

D. E. Kern,

(SEAL)

Notary Public, Mobile County, Ala.

By Mr. Kelly:

H. 161. To create a joint Recess Committee of the House and Senate to serve until the next regular session of the Legislature; to provide the number of members to serve on said committee from the House of Representatives and the Senate; to provide for the selection of such members by the House of Representatives and the Senate; to fix their compensation and expenses; to provide for clerks and other employees of said committee and for their compensation; to provide generally the duties of said committee; to make an appropriation to cover the necessary expenses and compensation of said committee and employees.

Rules.

By Mr. Arnold:

H. 162. A Bill to be entitled An Act to Propose an Amendment to the Constitution of Alabama relating to Representation in the House and Senate.

Be it Enacted by the Legislature of Alabama:

Section 1. The following amendment to Article IX of the Constitution of Alabama, to be known and designated as Article_____ thereof, is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama, and the day appointed for such election is the second Tuesday next after the expiration of three months after the final adjournment of the present session of the Legislature at which this amendment is proposed. The proposed amendment is as follows:

"Section 197. The whole number of Senators shall be not less than one-fourth of the whole number of Representatives.

"Section 198. The House of Representatives shall consist of not more than seventy-one members, unless new counties shall be created, in which event each new county shall be entitled to one representative.

"Section 199. The County of Jefferson shall have three Representatives, the County of Mobile shall have two Representatives,

the County of Montgomery shall have two Representatives, and every other county in the State shall have one Representative.

"Section 200. The State shall be divided into senatorial districts. A Senator shall be elected from each district. The senatorial districts shall be as follows: First district, Lauderdale and Limestone; Second district, Lawrence and Morgan; Third district, Blount, Cullman and Winston; Fourth district, Madison; Fifth district, Jackson and Marshall; Sixth district, Etowah and St. Clair; Seventh district, Calhoun; Eighth district, Talladega; Ninth district, Chambers and Randolph; Tenth district, Tallapoosa and Elmore; Eleventh district, Tuscaloosa; Twelfth district, Fayette, Lamar and Walker; Thirteenth district, Jefferson; Fourteenth district, Pickens and Sumter; Fifteenth district, Autauga, Chilton and Shelby; Sixteenth district, Lowndes; Seventeenth district, Butler, Conecuh and Covington; Eighteenth district, Bibb and Perry; Nineteenth district, Choctaw, Clarke and Washington; Twentieth district, Marengo; Twenty-first district, Baldwin, Escambia and Monroe; Twenty-second district, Wilcox; Twenty-third district, Dale and Geneva; Twenty-fourth district, Barbour; Twenty-fifth district, Coffee, Crenshaw and Pike; Twenty-sixth district, Bulloch and Macon; Twenty-seventh district, Lee and Russell; Twenty-eighth district, Montgomery; Twenty-ninth district, Cherokee and DeKalb; Thirtieth district, Dallas; Thirty-first district, Colbert, Franklin and Marion; Thirty-second district, Greene and Hale; Thirty-third district, Mobile; Thirty-fourth district, Cleburne, Clay and Coosa; Thirty-fifth district, Henry.

"Section 201. The proportionment herein provided for shall not be changed before the taking of the next decennial census of the United States.

"Section 202. After the taking of the next decennial census of the United States and after each subsequent decennial census the Legislature may reapportion the number of Representatives and re-arrange or diminish the number of Senatorial Districts; provided, that each county shall be entitled to at least one Representative, and provided further that the Senatorial Districts shall never exceed thirty-five in number.

"Section 203. The Legislature may from time to time diminish the number of Representatives and the number of Senators and increase the number of votes that the remaining Senators and Representatives are entitled to cast; provided, however, that the membership in the House of Representatives shall never be reduced below fifty and the membership of the Senate shall never be reduced below twenty.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation by the Governor, which shall be published in one newspaper once

a week in every county in the State at least four weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment and on the official ballot provided for such election there shall be printed the following, viz; "Shall the following be adopted as an amendment to Article IX of the Constitution of Alabama?" Immediately following said words the text of the proposed amendment shall be printed on the ballot. "Yes..... No....."

Section 4. Officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State and the election shall be held in all things in accordance with this Act, the law governing elections and the constitutional provisions concerning the amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated and return thereof made to the Secretary of State, and counted in the same manner as in elections for Representatives to the Legislature; and if it shall appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

The above and foregoing bill, H. 162, proposing an amendment to the Constitution, was read one time at length and referred to the Standing Committee on Constitution and Constitutional Amendments.

By Mr. Arnold:

H. 163. A Bill to be entitled An Act to propose an amendment to the Constitution of the State of Alabama of 1901 authorizing and directing the legislature to enact the necessary laws recalling all State, County and Municipal officers, including the Probate Judge but not to include the judiciary of the State of Alabama, to be designated as "Article XXVI", and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held at the next general election for State and County officers in November 1936.

Be it Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama of 1901 is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment, and the day hereby appointed for

such election is the next general election to be held in 1936. The proposed amendment is as follows:

ARTICLE XXVI.—The Legislature of Alabama is hereby authorized and directed to enact the proper statutes requiring that upon a petition of a majority of the qualified electors in the State, or in any county or any municipality in the State of Alabama, addressed to the Chief Executive Officer of the State, County or municipality, to direct an election to be held within a reasonable time after the filing of such petition for the recall of any State, County or Municipal officers, including the Judge of Probate, but not to include any judges of a Court of Record of the State of Alabama.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor and shall be published in one newspaper once a week for at least four successive weeks next proceeding the day hereby appointed for said election in each county in the State.

Section 3. At the election hereby ordered to be held, as herein provided, the qualified electors shall vote on said proposed amendment; and on the official ballot printed for such election there shall be printed the following, namely:

Shall the following be adopted as Article XXVI of the Constitution of Alabama?

ARTICLE XXVI.—The Legislature of Alabama is hereby authorized and directed to enact the proper statutes requiring that upon a petition of a majority of the qualified electors in the State, or in any county or any municipality in the State of Alabama, addressed to the Chief Executive Officer of the State, County or Municipality, to direct an election to be held within a reasonable time after the filing of such petition for the recall of any State, County or Municipal officers, including the Judge of Probate, but not to include any judges of a Court of Record of the State of Alabama. The choice of the electors shall be indicated by a cross mark made by him, or under his direction, to the right of the word expressing his desire.

Section 4. The officers to hold such election shall be the same as the officers to hold the general election in November 1936, and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State of Alabama for the appointment of officers to hold the election, and the election shall be held in all things in accordance with the provisions of this Act, the law governing general elections and the constitutional provision concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be, by the election officials, canvassed, tabulated and the returns made to the Secretary of State and shall be counted in the same manner as in

elections for representatives to the legislature, and if it shall appear that a majority of the qualified electors who voted at such election on this constitutional amendment voted in favor of the same such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of said election shall be made known by proclamation of the Governor.

The above and foregoing bill, H. 163, proposing an amendment to the Constitution, was read one time at length and referred to the Standing Committee on Constitution and Constitutional Amendments.

By Mr. Arnold:

H. 164. A bill to be entitled An Act to provide for and submit to the qualified electors of the State of Alabama at an election to be held on the first Tuesday after the first Monday November 1936, of the present session of the Legislature, an amendment to the Constitution of Alabama to be as follows: "Section 178 (one hundred, seventy-eight) in Article VIII of the Constitution of Alabama of 1901, shall be amended so that the same shall read as follows: Section 178. To entitle a person to vote at any election by the people, he shall have resided in the State at least two years, in the county one year, and in the precinct or ward three months, immediately preceding the election at which he offers to vote, and he shall have been duly registered as an elector, and shall have paid on or before the first day of February next preceding the date of the election at which he offers to vote, all poll taxes due from him for the year nineteen hundred and thirty-three, and for each subsequent year, provided, that any elector who, within three months next preceding the date of the election at which he offers to vote, has removed from one precinct or ward to another precinct or ward in the same county, incorporated town, or city, shall have the right to vote in the precinct or ward from which he has so removed, if he would have been entitled to vote in such precinct or ward but for such removal. Nothing herein contained shall change, alter or abrogate the provisions of Amendment X Section 194½ to the Constitution of Alabama, but said Amendment shall continue in full force and effect."

Be it Enacted by the Legislature of Alabama:

SECTION 1. The following amendment to the Constitution of Alabama is hereby proposed and an election by the qualified electors of the State of Alabama is hereby ordered upon such proposed amendment, and the date appointed for such election is the first Tuesday after the first Monday November 1936, at which this amendment is proposed. The proposed amendment is as follows: "Section 178 (one hundred, seventy-eight) in article VIII of the Constitution of Alabama of 1901, shall be amended so that the

same shall read as follows: Section 178. To entitle a person to vote at any election by the people, he shall have resided in the State at least two years, in the county one year, and in the precinct or ward three months, immediately preceding the election at which he offers to vote, and he shall have been duly registered as an elector, and shall have paid on or before the first day of February next preceding the date of the election at which he offers to vote, all poll taxes due from him for the year nineteen hundred and thirty-three and for each subsequent year, provided, that any elector who, within three months next preceding the date of the election at which he offers to vote, has removed from one precinct or ward to another precinct or ward in the same county, incorporated town, or city, shall have the right to vote in the precinct or ward from which he has so removed, if he would have been entitled to vote in such precinct or ward but for such removal. Nothing herein contained shall change, alter or abrogate the provisions of Amendment X, Section 194½ to the Constitution of Alabama, but said Amendment shall continue in full force and effect."

SECTION 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each county in the State for at least four (4) successive weeks next preceding the day hereby appointed for such election.

SECTION 3. That at the election on the amendment ordered by this Act, the qualified electors of the State of Alabama shall vote upon such proposed amendment, and on the official ballots printed for said election there shall be printed the following: "Section 178 (one hundred, seventy-eight) in Article VIII of the Constitution of Alabama of 1901, shall be amended so that the same shall read as follows: Section 178, To entitle a person to vote at any election by the people, he shall have resided in the State at least two years, in the county one year, and in the precinct or ward three months, immediately preceding the election at which he offers to vote, and he shall have been duly registered as an elector, and shall have paid on or before the first day of February next preceding the date of the election at which he offers to vote, all poll taxes due from him for the year nineteen hundred and thirty-three, and for each subsequent year, provided, that any elector who, within three months next preceding the date of the election at which he offers to vote, has removed from one precinct or ward to another precinct or ward in the same county, incorporated town, or city, shall have the right to vote in the precinct or ward from which he has so removed, if he would have been entitled to vote in such precinct or ward but for such removal. Nothing herein contained shall change, alter or abrogate the provisions of Amendment X Sec-

tion 194½ to the Constitution of Alabama, but said Amendment shall continue in full force and effect.

Yes.....
No.”

SECTION 4. That the votes cast in said election shall be counted, canvassed, tabulated and return made to the Secretary of State in the same manner as provided in elections for Representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such Amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

SECTION 5. Officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the Election Laws of the State for the appointment of officers to hold general elections in this State, and the election shall be held in all things in accordance with this Act, the law governing General Elections, and the Constitutional provisions concerning amendments to the Constitution; the expenses of the election, including the cost of the publication of the notice prescribed herein, shall be paid out of the same funds and in the same manner as expenses of General Elections.

The above and foregoing bill, H. 164, proposing an amendment to the Constitution, was read one time at length and referred to the Standing Committee on Constitution and Constitutional Amendments.

By Mr. Chichester:

H. 165. To amend Schedule 146 of Section 348 of Chapter 1 of Article XIII of An Act entitled An Act to provide for general revenue for the State of Alabama, approved July 10, 1935, so that the same as amended shall read as follows:

Ways and Means.

By Mr. Arnold (by request):

H. 166. To amend Schedule 135 of Article XIII, Chapter I, License Schedule, of An Act to provide for the General Revenue of the State of Alabama, approved July 10th, 1935.

Ways and Means.

By Mr. Hendley:

H. 167. To amend Section 2, of an Act entitled “An Act to authorize and provide for the establishment of a fund to be known as the Minimum Program Fund, and to define procedures to be used in apportioning the Minimum Program Fund for the elementary and high schools in the various counties and cities of the State.” (Approved September 2, 1935).

Ways and Means.

BILLS ON SECOND READING

Mr. Glover, Chairman of the Standing Committee on Local Legislation No. One, reported that said committee, in session, had acted on the following bill and ordered same returned to the House without recommendation:

By Mr. McDermott (without recommendation):

H. 102. To provide that all fines and forfeitures collected through recorder courts in all cities in this state now having or which may hereafter have a population of not less than 68,000 nor more than 150,000 inhabitants, according to the last or any subsequent Federal census, shall be received and kept by such cities in a separate fund and used exclusively toward increasing the salaries and compensation of the policemen and firemen and police and fire department personnels of such cities whose individual monthly salary or compensation does not exceed One Hundred Dollars per month; to fix and provide the time when and the manner in which such monies shall be disbursed; to fix and provide the basis of determining those entitled to share in said funds, and fixing their minimum regular salaries; to prohibit any reduction of regular salaries in carrying this Act into effect; making any violation of any provision of this Act a misdemeanor; providing a saving clause; and repealing all laws in conflict herewith.

Mr. Glover, Chairman of the Standing Committee on Local Legislation No. One, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. Norman (Bullock) (with notice and proof):

H. 105. To authorize the Court of County Commissioners of Bullock County, Alabama, to replace in the Fine and Forfeiture Fund of said county, by transfer from the General Fund of said county to the Fine and Forfeiture Fund of said county, such sums of money as have been heretofore transferred from said Fine and Forfeiture Fund to the General Fund of said county.

By Mr. Hendley (with notice and proof):

H. 130. To provide that all persons in Covington County Alabama be relieved from all legal obligations to work on the public roads or to pay any money in lieu of such obligation to work on the public roads in said county, and to prohibit the levy and collection of a per capita road tax in said County.

By Mr. Goolsby (with notice and proof):

H. 120. To require the Court of County Commissioners of Escambia County, Alabama, to levy a special tax of one-twentieth of One per cent. on all taxable property in said county as assessed for

state taxation for the tax year commencing October 1st, 1935, and subsequent years, to be used for Public Health Work in Escambia County; to provide that the total levy in any one year shall not exceed one-half of one per cent., exclusive of levies for public buildings or bridges; to fix said special tax of one-twentieth of one per cent. assessed for public health work as Escambia County's contribution to the budget of the Escambia County Health Department; and to provide to whom said special tax shall be paid, and how the same shall be disbursed.

Mr. Connor, Chairman of the Standing Committee on Local Legislation No. Two, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Todd:

H. 123. To amend an act entitled "An Act to amend Sections II, III, V, and VI, of an Act entitled 'An Act to define, regulate and license barbers and barber colleges, and other like businesses in counties of the State of Alabama having a population of three hundred thousand or over, according to the last or any subsequent Federal Census; to create a barbers' Commission for said Counties; and to provide a penalty for the violation of the provisions hereof,' which became a law July 24, 1931, under Section 125 of the Constitution," approved September 9th, 1935.

Mr. Welch, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Owen (Etowah):

H. 118. To amend Sections 7547, 7551, 7552, 7554, 7556, 7557, 7558, 7560, 7563, 7567, and 7596 of the Code of Alabama of 1923, and to repeal Section 7562 of said Code.

Mr. Shipman, Chairman of the Standing Committee on Aviation, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Wallace:

H. 59. To amend Section 20 of an Act entitled, "An Act to provide for the promotion, encouragement, development and regulation of air navigation, air navigation aids and facilities, airmen and aircraft; to provide for the survey, location, mapping and development of State Airways and Airway Facilities; to provide for the registration and issuance of permits to operators, aircraft and airmen, suspension and revocation of such permits; to provide for the encouragement of the location in the State of Aeronautical in-

dustries; to create a commission for the administration of this Act and for the enforcement of the laws of the State of Alabama and of the rules and regulations established by said Commission: to define and describe the powers, duties, responsibilities and privileges of said Commission; and to make an appropriation for the purpose of this Act", approved September 13, 1935.

Mr. Wallace, Chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. Staples:

H. 125. To amend Section 51, of an Act approved August 23, 1927, entitled: An Act To provide a general system of legislation pertaining to public roads, highways and bridges, including therein the establishment of a State Highway Department and State Highway Commission; to create the office of Alabama Highway Director in Alabama; to define and regulate the powers, duties and authority of the State Highway Commission and of local authorities, boards of revenue, courts of county Commissioners, municipalities or like governing bodies; to provide authority and empower the Board of Administration to make agreements and contracts with the State Highway Commission for convict labor and let contracts for signs, advertising, etc., on highways; to define and provide rules of the road, including traffic regulations, penal violations, duties of owners and drivers and the regulation as to size, weight and equipment of motor vehicles moving over, along, or upon such roads; to provide for the establishment, discontinuance, working and maintenance of public roads, bridges and ferries; to provide for the establishment and maintenance of private roads; to provide for State Bonds for construction and maintenance of roads, issue and sale of; Good Roads Day established; Offenses concerning toll bridges, turnpikes and causeways; protecting bridges from floating logs and to provide against injury to mill dams, bridges, canals and road gates; to provide for working of public roads, persons liable and persons exempt from road duty; to provide for railroad tracks, bridges, viaducts and tunnels; and the repeal of all laws and parts of laws in conflict with the provisions of this Act, except such laws pertaining to revenue.

By Mr. Wallace:

H. 98. To amend Sections 3 and 11 of An Act entitled An Act to provide for the public safety; to regulate the operation of motor vehicles on the public highways; to provide for the registration and licensing of drivers or operators of motor vehicles and to fix the fees therefor. To authorize the State Highway Commission, with the approval of the Governor to establish and promulgate reason-

able rules and regulations concerning the operation of motor vehicles; to provide punishment and penalties for the violation of the provisions of this Act and of the rules and regulations authorized hereby; to provide for the suspension and revocation of drivers' licenses issued; to authorize the appointment or employment of the necessary officers and agents, and the purchase of the necessary equipment to make the provisions hereof effective; and to provide for the compensation of the officers and agents so employed.

Mr. Calhoun, Chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Davis:

H. 92. For the relief of tax payers permitting and authorizing the transfer of any tax claim held by the State of Alabama, any county, municipality or taxing district thereof and authorizing and directing the issue of certificates evidencing such transfers and securing to the owner or holder of such certificates the same liens and the same remedies for enforcing said tax claims as the State of Alabama or the county or municipality or taxing district had prior to said transfer by it and providing for the enforcement and release thereof by which owner or holder."

Mr. Robertson, (Cullman) Chairman of the Standing Committee on Municipal Organizations, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. Owen (Etowah):

H. 135. To amend an Act of the Legislature of Alabama approved August 4, 1931 entitled, "An Act to provide for the government and control by civil service regulations of the police department and fire department in cities of the State of Alabama operating under the commission form of government and which now have or which may hereafter have a population of as much as twenty four thousand and less than fifty thousand people, according to the latest or any subsequent Federal Census; to provide for a civil service board in such cities and fix their duties, authorities, powers, and compensation" so as to require all members of the police department in said cities to enter into bond conditioned for the faithful and proper performance of their duties as policemen before entering upon their duties, and to provide further that their appointment shall be revoked by the civil service board upon their failure to enter into such bond within ten days after said appointment.

By Mr. Owen (Etowah):

H. 117. To amend Section 2 of an Act "To provide that all cities in Alabama which now have or may hereafter have a population of as much as twenty-four thousand and less than forty thousand according to the last Federal Census, or any such census which may hereafter be taken, shall be known and designed as Class 'D' cities; to provide and create a Commission form of municipal government and to establish the same in all Class 'D' cities of Alabama as herein defined; to abolish the offices of Mayor and Aldermen and otherwise provide for the creation and maintenance of said commission form of government; to provide for the selection and election of a chairman and two associate commissioners in lieu of mayor and aldermen; to prescribe limitations and qualifications for officers and employees and penalties for violation of the provisions of this Act. To Fix the Duties, powers and Compensation of the Board of Commissioners,—“approved March 6, 1931.

The above and foregoing bills were severally read a second time and placed on the Calendar.

RECOMMITTAL OF BILL.

On motion of Mr. Harrison the bill:

H. 136. To amend section 5 of an Act approved September 11, 1935, entitled "An Act to adopt for the State of Alabama the provisions of the Wagner-Peyser Act; to designate the State Department of Labor, when created, as the agency of the State for the purposes of such Act, and to make an appropriation therefor"

Was recalled from the Standing Committee on Rules and recommitting to the Standing Committee on Appropriations.

RESOLUTIONS

Mr. Hendley introduced the following resolution:

By Mr. Hendley:

H. J. R. 12. WHEREAS the members of the Legislature of Alabama desire full and comprehensive information of the School situation in Alabama;

BE IT RESOLVED, That the House of Representatives, the Senate concurring, invite State Superintendent of Education, J. A. Keller, to address a joint session of the Legislature on its sixth legislative day at eleven A. M. in the hall of the House of Representatives.

And the resolution was referred to the Standing Committee on Rules.

Mr. Hendley introduced the following resolution:

By Mr. Hendley :

H. J. R. 13. WHEREAS, Many of the schools of Alabama have already closed and practically all the others will close shortly because of lack of financial support;

WHEREAS, The Legislature of Alabama realizes that the obligation strictly rests upon it to correct this condition;

WHEREAS, The Legislature is pledged to the financial support of education as enacted into law in 1935; and

WHEREAS, The Legislature of Alabama is ready to assume full responsibility for all of its obligations;

THEREFORE, Be It Resolved,

That the House of Representatives, the Senate concurring, will pledge to all schools administrators and school teachers in Alabama that it will pass such revenue measures as will assure the payment in full of all appropriations made in 1935 by this Legislature for education in Alabama;

That the Legislature will request such administrators and school teachers to exercise confidence in it; and

That the Legislature will carry out its part of this pledge and ask that the schools be kept running the minimum term.

And the resolution was referred to the Standing Committee on Rules.

REPORT OF STANDING COMMITTEE ON RULES

Speaker Walker, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the House with a favorable report with Substitute:

By Mr. Boswell:

H. J. R. 8. Relative to creation of a joint committee to investigate all forms of lobbying.

The substitute reported by the Standing Committee on Rules follows:

Be it resolved by the House of Representatives of the State of Alabama, the Senate concurring, as follows:

1. That there be appointed a Committee composed of three members of the House to be appointed by the Speaker thereof and two members of the Senate to be appointed by its presiding officers to act for and on behalf of this Legislature.

2. It shall be the duty of such Committee to investigate

(a) All forms of lobbying with the members of this legislature, by any organization, association, corporation or individuals, their agents or employees for or against the passage of any legislation now pending before either the House or Senate.

(b) The expenditure of all public funds, and particularly, the Emergency Appropriation of \$100,000, and it shall examine into the matter of the use of official patronage and the employment by any department of the State which might have a tendency to influence the passage or defeat of any legislation now or heretofore pending before or heretofore passed by the Legislature or which might affect legislation hereafter proposed.

3. Such Committee acting for and on behalf of this legislature shall have the power and authority to summon before it and examine, any State Official or employee or any official or employee of any organization, association, corporation or individual, their agents, or employees to appear before it and to answer any question propounded by such Committee relating to the use of funds received or expended by it or them in any effort to foster or prevent legislation either before or since the convening of this extra session of the Legislature: It shall have the power and authority to require any such State Official or any such Organization, Association, Corporation, or Individual, Agents, or Employees to produce their books, accounts, vouchers, or other evidences of receipts and or expenditures received or expended for the purpose of or in an effort to influence or which might have a tendency to influence the vote of any member of the House or Senate upon any legislation or any bill or resolution.

4. Such committee shall record all evidence deemed by it to be relevant or material, and may make partial reports to the House and Senate of its findings from time to time as the committee deems proper; and shall make such partial reports when called upon by the Speaker of the House, or the presiding officer of the Senate; and the final report of the findings of such committee shall be made five days before the final adjournment of this extraordinary session of the Legislature.

5. The Committee shall have the authority to direct the Clerk of the House and the Secretary of the Senate to furnish necessary clerical assistance from the House and from the Senate, and to employ investigators and assistants fully to carry out the purposes of this Resolution.

6. The Committee shall have the authority to direct payment of the expenses incurred by such Committee out of any funds appropriated for the expense of this Legislature.

Mr. Denson offered the following amendment to the substitute:

Amend H. J. R. 8 by inserting after the word "investigate" where the same appears in Section 1 the following:

"The sale of, and traffic in, liquors and beverages, the sale and possession of which are prohibited by the laws of the State of Alabama, by any organization, association, corporation or individual in and near the City of Montgomery, Alabama,"

And the amendment to the substitute was adopted. The substitute, as amended, was adopted and the resolution, H. J. R. 8, as amended by the substitute, as amended, was adopted.

RESOLUTION

Mr. Harrison offered the following House joint resolution:
By Mr. Harrison:

H. J. R. 14. BE IT RESOLVED by the House of Representatives, the Senate concurring, that when the two Houses adjourn today, they adjourn to meet Friday, February 28th., at ten A.M.

The rules were suspended and the resolution, H. J. R. 14, was adopted.

RECESS

On motion of Mr. Taylor the House recessed until 2:30 o'clock P. M.

FIFTH DAY—AFTERNOON SESSION

The hour of 2:30 o'clock P. M. having arrived, the House reconvened.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in the resolution:

H. J. R. 14. Relative to adjournment of the two Houses until Friday, February 28, 1936, at 10 A. M.

And returns same herewith to the House.

J. E. Speight,
Secretary.

BILLS ON THIRD READING

H. 48. To provide a lien for laundering, cleaning, pressing, and mending or otherwise renovating wearing apparel, household linens and articles of like kind, including hats and shoes, and to prescribe the manner of the enforcement of such lien.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 56; Nays, 17.

Yeas:

Messrs.:

Mr. Speaker	Davis	Merrill	Robertson (Cullman)
Adams	Delony	Miles	Shaver
Almon	Dominick	Miller	Sparks (Walker)
Arnold	Doster	Moore	Steele
Austin	Douglass	McDermott	Taylor
Blann	Glover	Norman (Lowndes)	Terry
Boswell	Goodwyn	Owen (Etowah)	Tidmore
Braswell	Haley	Parish (Henry)	Todd
Bulger	Hall	Parish (Pike)	Tompkins
Byars	Heflin	Petrey	Toomer
Calhoun	Hill	Posey (Walker)	Waldrep
Castleberry	Hollis	Quarles	Welch
Connor	Jones	Reeder	Whigham
Cox	Livingston	Reynolds	Williams

—56

Nays:

Messrs.:

Bateman	Hamner	Kirby	Owens (Madison)
Buffington	Hanks	Long	Rayburn
Burleson	Hare	Matthews	Sightler
Chichester	Kelly	O'Neal	Spence
Denson			

—17

H. 109. To provide for the revision, codification, digesting and promulgation of the public statutes of this State.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 71; Nays, 10.

Yeas:

Messrs.:

Adams	Doster	Livingston	Reeder
Almon	Douglass	Lusk	Reynolds
Arnold	Glover	Matthews	Robertson (Cullman)
Austin	Goodwyn	Merrill	Shaver
Bateman	Haley	Miles	Sightler
Boswell	Hall	Miller	Sparks (Barbour)
Buffington	Hamner	Moore	Sparks (Walker)
Bulger	Hanks	McDermott	Steele
Byars	Hare	McGowin	Street
Calhoun	Heflin	O'Neal	Taylor
Carter	Hendley	Owen (Etowah)	Tidmore
Castleberry	Henson	Owens (Madison)	Todd
Chichester	Hill	Parish (Henry)	Toomer
Cox	Hollis	Parish (Pike)	Waldrep
Davis	Jones	Petrey	Welch
Delony	Kelly	Posey (Walker)	Whigham
Denson	Kirby	Quarles	Williams
Dominick	Lee (Monroe)	Rayburn	

—71

*Nays:**Messrs.:*

Mr. Speaker
Blann
Bridges

Burleson
Connor
Harrison

Long
Norman (Lowndes)
Spence
Terry

—10

H. 60. To amend subsection 46 of Section 4556 of the code of Alabama of 1923.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 75; Nays, 1.

*Yeas:**Messrs.:*

Mr. Speaker
Adams
Arnold
Austin
Bateman
Blann
Boswell
Braswell
Bridges
Buffington
Bulger
Burleson
Byars
Calhoun
Castleberry
Chichester
Connor
Cox
Davis

Delony
Denson
Dominick
Doster
Douglass
Glover
Goodwyn
Haley
Hall
Hamner
Hanks
Hare
Heflin
Hendley
Henson
Hill
Hollis
Jones
Kelly

Lee (Monroe)
Livingston
Long
Lusk
Matthews
Merrill
Miles
Miller
Moore
McGowin
Norman (Lowndes)
O'Neal
Owen (Etowah)
Owens (Madison)
Parish (Henry)
Parish (Pike)
Petrey
Quarles
Rayburn

Reeder
Reynolds
Robertson (Cullman)
Shaver
Sightler
Sparks (Barbour)
Sparks (Walker)
Spence
Steele
Street
Taylor
Terry
Tidmore
Todd
Toomer
Welch
Whigham
Williams

—75

Nay: Mr. McDermott.

—1

H. 66. To amend an Act entitled An Act to amend Section 5742 of the Code of Alabama of 1923, approved July 23, 1931.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 72; Nays, 0.

*Yeas:**Messrs.:*

Mr. Speaker
Arnold
Austin
Bateman
Blann
Bridges
Buffington
Bulger
Burleson
Byars
Calhoun

Carter
Castleberry
Chichester
Connor
Cox
Davis
Denson
Dominick
Douglass
Glover
Goodwyn

Haley
Hall
Hamner
Hanks
Hare
Heflin
Hendley
Hill
Hollis
Jones
Lee (Monroe)

Livingston
Long
Lusk
Matthews
Merrill
Miles
Miller
Moore
McDermott
McGowin
Norman (Lowndes)

O'Neal	Quarles	Sparks (Barbour)	Tidmore
Owen (Etowah)	Rayburn	Sparks (Walker)	Todd
Owens (Madison)	Reeder	Spence	Toomer
Parish (Henry)	Reynolds	Steele	Waldrep
Parish (Pike)	Robertson (Cullman)	Street	Welch
Petrey	Shaver	Taylor	Whigham
Posey (Winston)	Sightler	Terry	Williams

—72

H. 103. To amend Section 3238 of the Code of Alabama of 1923 relating to appeals in habeas corpus cases.

Was read a third time at length and passed by a two-thirds majority vote of the House.

Yeas, 58; Nays, 15.

Yeas:

Messrs.:

Adams	Delony	Livingston	Reynolds
Arnold	Denson	Lusk	Robertson (Cullman)
Austin	Dominick	Miles	Shaver
Bateman	Doster	Miller	Sightler
Boswell	Douglass	Moore	Sparks (Barbour)
Bridges	Glover	McDermott	Sparks (Walker)
Buffington	Goodwyn	McGowin	Street
Bulger	Haley	Owen (Etowah)	Taylor
Burleson	Hall	Parish (Henry)	Todd
Calhoun	Hanks	Parish (Pike)	Toomer
Carter	Hare	Poole	Waldrep
Chichester	Hill	Posey (Winston)	Welch
Connor	Hollis	Rayburn	Whigham
Cox	Jones	Reeder	Williams
Davis	Kirby		

—58

Nays:

Messrs.:

Blann	Long	O'Neal	Steele
Hamner	Matthews	Owens (Madison)	Terry
Heflin	Merrill	Quarles	Tidmore
Lee (Monroe)	Norman (Lowndes)	Spence	

—15

H. 104. To amend section 8605 of the Code of Alabama 1923.

Was taken up. Mr. Welch offered the following amendment to the bill, H. 104:

Amend H. 104 by inserting therein immediately preceeding the words "and regularly licensed embalmers", where they occur together therein, the following words "newspaper reporters while engaged in the discharge of their duties as such."

And the amendment was adopted.

Yeas, 70; Nays, 0.

Yeas:

Messrs.:

Adams	Dominick	Long	Rayburn
Arnold	Doster	Lusk	Reeder
Austin	Douglass	Matthews	Reynolds
Bateman	Glover	Merrill	Robertson (Cullman)
Blann	Goodwyn	Miles	Shaver
Bridges	Haley	Miller	Sightler
Buffington	Hall	Moore	Sparks (Walker)
Bulger	Hamner	McDermott	Spence
Burleson	Hanks	McGowin	Steele
Byars	Heflin	Norman (Lowndes)	Street
Calhoun	Hendley	Owens (Madison)	Taylor
Carter	Henson	Parish (Henry)	Terry
Castleberry	Hill	Parish (Pike)	Tidmore
Chichester	Hollis	Petrey	Todd
Connor	Jones	Poole	Toomer
Cox	Kirby	Posey (Walker)	Waldrep
Davis	Lee (Monroe)	Posey (Winston)	Welch
Delony	Livingston		

—70

Mr. Haley offered the following amendment to the bill, H. 104:
Amend H. 104 by inserting the word "dentists" next after the word "physicians" where it occurs therein.

And the amendment was adopted.

Yeas, 70; Nays, 0.

Yeas:

Messrs.:

Adams	Dominick	Long	Rayburn
Arnold	Doster	Lusk	Reeder
Austin	Douglass	Matthews	Reynolds
Bateman	Glover	Merrill	Robertson (Cullman)
Blann	Goodwyn	Miles	Shaver
Bridges	Haley	Miller	Sightler
Buffington	Hall	Moore	Sparks (Walker)
Bulger	Hamner	McDermott	Spence
Burleson	Hanks	McGowin	Steele
Byars	Heflin	Norman (Lowndes)	Street
Calhoun	Hendley	Owens (Madison)	Taylor
Carter	Henson	Parish (Henry)	Terry
Castleberry	Hill	Parish (Pike)	Tidmore
Chichester	Hollis	Petrey	Todd
Connor	Jones	Poole	Toomer
Cox	Kirby	Posey (Walker)	Waldrep
Davis	Lee (Monroe)	Posey (Winston)	Welch
Delony	Livingston		

—70

And the bill:

H. 104. To amend section 8605 of the Code of Alabama 1923.

As amended, was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 70; Nays, 0.

Yeas:

Messrs.:

Adams	Dominick	Long	Rayburn
Arnold	Doster	Lusk	Reeder
Austin	Douglass	Matthews	Reynolds
Bateman	Glover	Merrill	Robertson (Cullman)
Blann	Goodwyn	Miles	Shaver
Bridges	Haley	Miller	Sightler
Buffington	Hall	Moore	Sparks (Walker)
Bulger	Hamner	McDermott	Spence
Burleson	Hanks	McGowin	Steele
Byars	Heflin	Norman (Lowndes)	Street
Calhoun	Hendley	Owens (Madison)	Taylor
Carter	Henson	Parish (Henry)	Terry
Castleberry	Hill	Parish (Pike)	Tidmore
Chichester	Hollis	Petrey	Todd
Connor	Jones	Poole	Toomer
Cox	Kirby	Posey (Walker)	Waldrep
Davis	Lee (Monroe)	Posey (Winston)	Welch
Delony	Livingston		

—70

H. 95. To authorize and empower the State Treasurer to pay to the owners of warrant refunding bonds issued under the authority of the Constitutional Amendment known as "The Debt Refunding Amendment, Act. No. 179, passed April 14, 1933, Acts 1933, p. 196, and under the authority of Act No. 177, approved April 17, 1933, authorizing the issuance of such bonds pursuant to the authority of such Constitutional Amendment, the amount of such bonds with interest through July 1, 1935, when the bonds belonging to such owners have been lost, stolen or destroyed; to provide the method of such payment; to provide the proof of such loss and to provide for indemnifying the State Treasurer for such payment and to provide punishment for any false statement in connection therewith.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 70; Nays, 0.

Yeas:

Messrs.:

Adams	Connor	Hare	Miller
Arnold	Cox	Heflin	Moore
Austin	Davis	Hendley	McDermott
Bateman	Delony	Hill	McGowin
Braswell	Denson	Hollis	Norman (Lowndes)
Bridges	Dominick	Jones	O'Neal
Buffington	Doster	Kelly	Owens (Madison)
Bulger	Douglass	Kirby	Parish (Henry)
Burleson	Goodwyn	Livingston	Parish (Pike)
Byars	Haley	Long	Poole
Calhoun	Hall	Lusk	Posey (Winston)
Castleberry	Hamner	Matthews	Propst
Chichester	Hanks	Merrill	Quarles

Rayburn	Sparks (Barbour)	Taylor	Waldrep
Reeder	Sparks (Walker)	Tidmore	Welch
Reynolds	Spence	Todd	Whigham
Robertson (Cullman)	Steele	Toomer	Williams
Shaver	Street		

—70

H. 61. To authorize and empower the Board of Revenue or Court of County Commissioners or other governing body of each and every county in Alabama to expend an amount not to exceed one-third of the total amount that may be received by each county from the levy and collection of any tax on gasoline in the payment of any debt that may have been heretofore incurred by such county for the construction and/or maintenance of roads or bridges, and to ratify any such expenditure heretofore made.

Was taken up. The question was on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

WAYS AND MEANS COMMITTEE AMENDMENT TO HOUSE
BILL NO. 61

Amend House Bill 61 by striking out Section 2 thereof and insert in lieu thereof the following:

"Section 2. All expenditures heretofore made for the purposes and from the funds named in Section 1 of this Act are hereby ratified."

And the amendment was adopted.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Adams	Doster	Lusk	Reeder
Arnold	Douglass	Matthews	Reynolds
Boswell	Goodwyn	Merrill	Robertson (Cullman)
Braswell	Hall	Miles	Shaver
Buffington	Hamner	Miller	Sparks (Barbour)
Bulger	Hanks	McDermott	Sparks (Walker)
Burleson	Heflin	McGowin	Spence
Byars	Hendley	Norman (Lowndes)	Steele
Calhoun	Henson	O'Neal	Taylor
Carter	Hill	Owens (Madison)	Terry
Castleberry	Hollis	Parish (Henry)	Tidmore
Chichester	Johnston	Parish (Pike)	Todd
Connor	Jones	Posey (Winston)	Waldrep
Cox	Kelly	Propst	Welch
Davis	Kirby	Quarles	Whigham
Delony	Lee (Monroe)	Rayburn	Williams
Dominick	Long		

—66

And the bill:

H. 61. To authorize and empower the Board of Revenue or Court of County Commissioners or other governing body of each and every county in Alabama to expend an amount not to exceed

one-third of the total amount that may be received by each county from the levy and collection of any tax on gasoline in the payment of any debt that may have been heretofore incurred by such county for the construction and/or maintenance of roads or bridges, and to ratify any such expenditure heretofore made.

As amended, was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Adams	Doster	Lusk	Reeder
Arnold	Douglass	Matthews	Reynolds
Boswell	Goodwyn	Merrill	Robertson (Cullman)
Braswell	Hall	Miles	Shaver
Buffington	Hamner	Miller	Sparks (Barbour)
Bulger	Hanks	McDermott	Sparks (Walker)
Burleson	Heflin	McGowin	Spence
Byars	Hendley	Norman (Lowndes)	Steele
Calhoun	Henson	O'Neal	Taylor
Carter	Hill	Owens (Madison)	Terry
Castleberry	Hollis	Parish (Henry)	Tidmore
Chichester	Johnston	Parish (Pike)	Todd
Connor	Jones	Posey (Winston)	Waldrep
Cox	Kelly	Propst	Welch
Davis	Kirby	Quarles	Whigham
Delony	Lee (Monroe)	Rayburn	Williams
Dominick	Long		

—66

H. 64. To amend Section 3 of Article 1 of an act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 50; Nays, 9.

Yeas:

Messrs.:

Mr. Speaker	Connor	Long	Reynolds
Adams	Delony	Matthews	Robertson (Cullman)
Arnold	Douglass	Merrill	Sightler
Austin	Glover	Miles	Sparks (Barbour)
Boswell	Hanks	Miller	Sparks (Walker)
Braswell	Heflin	McDermott	Steele
Buffington	Hendley	Norman (Lowndes)	Taylor
Bulger	Henson	Owen (Etowah)	Terry
Byars	Hill	Parish (Henry)	Tidmore
Calhoun	Hollis	Parish (Pike)	Todd
Carter	Johnston	Rayburn	Welch
Castleberry	Kirby	Reeder	Williams
Chichester	Livingston		

—50

Nays:

Messrs.:

Bateman

Burleson

Hall

Moore

O'Neal

Posey (Walker)

Posey (Winston)

Propst

Spence

— 9

H. 24. To amend an act entitled, "An act to amend Section 269 of an act entitled 'An act to provide for the general revenue of the State of Alabama' approved July 10th, 1935", approved September 4th, 1935.

Was taken up. The question was on the adoption of the substitute reported by the Standing Committee on Ways and Means, said substitute being as follows:

WAYS AND MEANS COMMITTEE AMENDMENT TO HOUSE
BILL NO. 24

Amend House Bill No. 24 so same shall read as follows:

A BILL

To be entitled An Act to amend an Act entitled "An Act to amend Section 269 of an Act entitled 'An act to provide for the general revenue of the State of Alabama' approved July 10, 1935", approved September 4th, 1935.

Be it enacted by the Legislature of Alabama:

Section 1. That an act entitled "An Act to amend Section 269 of an Act entitled 'An Act to provide for the general revenue of the State of Alabama' approved July 10, 1935", approved September 4th, 1935, be amended so as to read as follows:

"Section 269. (a) In order to obtain the redemption of land from tax sales, where the same has been heretofore or hereafter sold to the State, the party desiring to make such redemption shall deposit with the Judge of Probate of the County in which the land is situated, the amount of money for which the lands were sold, with interest thereon at the legal rate of interest prevailing at the time said property was sold for taxes, together with the amount of all taxes found to be due on such land since the date of sale, as provided herein, with interest thereon at the legal rate of interest prevailing from the maturity of such taxes, and all costs and fees due to officers. (b) Upon application to the Probate Judge to redeem land, where the same has been sold to the State for taxes, which application shall be made on blank forms furnished by the State Land Commissioner, the probate judge shall submit such application to the Tax Assessor of the County in which the land sought to be redeemed is located, and the assessor shall, without delay, enter on such application an assessment value for each of the years

for which taxes are due, subsequent to the year for which such land was sold to the State for taxes, and such assessment value shall be sixty percent of the fair and reasonable market value of such lands as of October 1st of the year or years subsequent to the year for which the land was sold for taxes. (c) Any party having a right to redeem said property, his agents or attorney, shall have the right to file a written protest with the Court of County Commissioners or like governing body of the County, objecting to the valuation of said land as placed on said property by the Tax Assessor as provided for under sub-section (b) of this section, setting forth his ground of objection to the assessed value of said property as fixed by said Tax Assessor, and the Court of County Commissioners or like governing body shall, thereafter, fix a day for hearing said protest by giving to the Tax Assessor and party desiring to redeem, his agents or attorney, at least ten days written notice of the day and place of hearing said petition, and upon the hearing of said cause, the Court of County Commissioners or like governing body shall have the right to review the assessed value of said property as fixed by the Tax Assessor, and shall fix and determine the assessed value for each of the years for which taxes are due subsequent to the year for which such land was sold to the State for taxes, as provided for under sub-section (b) of this act, and the Court of County Commissioners or like governing body shall certify to the probate judge the assessed value of said land so fixed. (d) The redemptioner shall deposit with the probate judge the amount of money for which lands were sold for taxes, plus the amount of money due for subsequent years based on the assessment value as required to be fixed in sub-section (b) of this Section, and interest, costs and fees as provided in sub-section (a) of this Section.

(e) This Act shall not repeal, or modify the rights of redemption under Section 291 of "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

(f) This Act shall take effect upon its approval by the Governor.

The substitute was adopted.

Yeas, 70; Nays, 1.

Yeas:

Messrs:

Mr. Speaker

Adams

Austin

Bateman

Boswell

Braswell

Bridges

Buffington

Bulger

Burleson

Byars

Calhoun

Castleberry

Chichester

Connor

Cox

Davis

Delony

Denson

Dominick

Doster

Douglass

Glover

Goodwyn

Hall

Hamner

Harks

Hare

Heflin

Hendley

Hill

Johnston

Jones	Moore	Posey (Walker)	Sparks (Barbour)
Kelly	McDermott	Posey (Winston)	Sparks (Walker)
Kirby	McGowin	Propst	Taylor
Livingston	Norman (Lowndes)	Quarles	Tidmore
Long	O'Neal	Rayburn	Todd
Lusk	Owen (Etowah)	Reeder	Waldrep
Matthews	Owens (Madison)	Reynolds	Welch
Merrill	Parish (Henry)	Shaver	Whigham
Miles	Parish (Pike)	Sightler	Williams
Miller	Poole		

—70

Nay: Mr. Arnold

—1

And the bill:

H. 24. To amend an act entitled, "An act to amend Section 269 of an act entitled 'An Act to provide for the general revenue of the State of Alabama' approved July 10th, 1935", approved September 4th, 1935.

As amended by the substitute, was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 65; Nays, 2.

Yeas:

Messrs:

Mr. Speaker	Denson	Kirby	Propst
Adams	Dominick	Livingston	Quarles
Austin	Doster	Long	Rayburn
Bateman	Douglass	Lusk	Reeder
Braswell	Glover	Matthews	Reynolds
Bridges	Goodwyn	Merrill	Robertson (Cullman)
Buffington	Hall	Miles	Shaver
Bulger	Hamner	Miller	Sightler
Burleson	Hanks	Moore	Sparks (Walker)
Byars	Hare	McDermott	Taylor
Calhoun	Heflin	Norman (Lowndes)	Tidmore
Castleberry	Hendley	Owen (Etowah)	Todd
Chichester	Hill	Owens (Madison)	Waldrep
Connor	Johnston	Parish (Henry)	Welch
Cox	Jones	Posey (Walker)	Whigham
Davis	Kelly	Posey (Winston)	Williams
Delony			

—65

Nays: Arnold, Cook

—2

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following bills and ordered same sent herewith to the House without engrossment.

By Mr. Woodall:

S. 6. To enable Elmore County, Alabama to finance building, maintenance repair or improvement of public roads therein, under-

taken independently by the County, or in conjunction with State and National agencies, or either, by issuance of interest bearing warrants on the gasoline tax fund received or to be received from the State and in case of deficiency of such fund when warrants are payable to provide in the discretion of the Court of County Commissioners for payment out of the road and bridge fund or from the general fund of the County where the other funds are insufficient; to provide for the manner of issuance of said warrants, the rate of interest thereon and the manner of payment thereof; to provide for disposition of said warrants, the length of time for which they shall run, limitation of amounts and manner of registration and cancellation thereof; and priority of payment.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that when the Legislature of Alabama again convenes in special or regular session, application will be made for the passage of a certain bill in substance as follows:

AN ACT

To enable Elmore County, Alabama to finance building, maintenance repair or improvement of public roads therein, undertaken independently by the County, or in conjunction with State and National agencies, or either, by issuance of interest bearing warrants on the gasoline tax fund received or to be received from the State and in case of deficiency of such fund when warrants are payable to provide in the discretion of the Court of County Commissioners for payment out of the road and bridge fund or from the general fund of the County where the other funds are insufficient; to provide for the manner of issuance of said warrants, the rate of interest thereon and the manner of payment thereof; to provide for disposition of said warrants, the length of time for which they shall run, limitation of amounts and manner of registration and cancellation thereof; and priority of payment.

Be it enacted by the legislature of Alabama:

Sec. 1. That the County of Elmore in order to finance the building, maintenance, repair or improvements of public roads in said county, whether undertaken independently or in conjunction with state and national agencies, or in conjunction with either, said county through its court of county commissioners may issue interest bearing warrants in the manner hereinafter set out.

Sec. 2. Said county, through the Court of County Commissioners may issue interest bearing warrants, drawn on the county treasurer or depository payable, over a period of years not to exceed 5, said court to determine the amount payable each year, the interest not to exceed six per centum per annum, payable annually or semi-annually, as the court may determine. When said work is let out to a general contractor on any job, said warrants may be issued directly to him or may be issued directly to persons, firms or corporations furnishing labor, materials, machinery or supplies for such work, as claims therefor accrue, and where so issued directly, said warrants must be accepted at face or par value. Said court may provide, by proper minute entry, that said warrants shall be sold at auction to the highest bidder at the

court house of the county, at the regular meeting place of the court after ten days notice of such sale shall have been given by publication by at least one insertion in some newspaper published in the county, or in the event there is no such paper published, then in some newspaper published in the City of Montgomery, Alabama. No warrant shall be sold for less than its face or par value. Warrants so issued or the proceeds derived from the sale thereof, may, in addition to the above purposes, be used for acquiring necessary rights of way by purchase or condemnation. The proceeds from said warrants when sold shall be used solely for the above purposes and no other.

Sec. 3. Said warrants shall be payable out of the funds available or derived or to be derived from the gasoline tax collected by the state and paid over to the county as provided by laws now in force or hereinafter enacted. The court, at its discretion, however, may provide that in the event said fund is not sufficient to pay any warrant when payable, it shall be payable out of the road and bridge fund of the county, and in the event said funds are insufficient for payment thereof, then such deficiency shall be payable from the general fund of the county, it being the intent hereof to enable the said court to charge the several funds with payment of said warrants in the order named.

Sec. 4. Said warrants, when issued shall be registered by the county treasurer in a book provided for that purpose, against the several funds out of which they are payable and shall be charges and preferred claims against said funds, and entitled to priority of payment in the order of their registration and when paid shall be cancelled, which said cancellation shall be shown on said registration.

Sec. 5. Each of said warrants shall be signed in the name of the county by the Probate Judge and each member of the governing body, but interest coupons, which may be attached thereto may be signed by the probate judge only or bear his fac-simile signature. The said warrants shall bear the seal of the said court.

Sec. 6. In no event shall the aggregate amount of said warrants, together with other indebtedness of the county, exceed the debt limit of the county as provided by the constitution.

Sec. 7. If any section or provision of this act shall be declared invalid by any court, such invalidity shall not affect any other valid section or provision and this act shall be liberally construed to effect the purpose of enabling Elmore County to finance road building, repair, improvement and maintenance.

Sec. 8. This act shall go into effect immediately upon its passage and approval.

The State of Alabama,
Elmore County.

Before me the undersigned authority personally appeared W. W. Bateman, who by me first being duly sworn deposes and says that he is the Publisher of The Wetumpka Herald, a weekly newspaper published at Wetumpka, Elmore County, Alabama, to issue interest bearing warrants to be received from Gasoline Tax Fund was published in said newspaper for 4 consecutive weeks on to-wit: Jan. 2-9-16 and 23, 1936.

W. W. Bateman, Publisher,
The Wetumpka, Herald.

Sworn to and subscribed before me this the 10th day of February 1936.

R. L. Parker,
Notary Public.

Also:

By Mr. Woodall:

S. 7. To authorize Elmore County through its court of commissioners to borrow money in anticipation of taxes, to provide for issuance of warrants of certificates of indebtedness therefor, to limit the amount of such loans, the rate of interest thereon, to provide for the maturity thereof, the manner of execution, for registration, payment and cancellation, and priority of payment out of taxes collected.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that application will be made when the Legislature of Alabama convenes, whether in special or regular session, for the passage of a certain act in substance as follows:

AN ACT

To authorize Elmore County through its court of commissioners to borrow money in anticipation of taxes, to provide for issuance of warrants or certificates of indebtedness therefor, to limit the amount of such loans, the rate of interest thereon, to provide for the maturity thereof, the manner of execution, for registration, payment and cancellation, and priority of payment out of taxes collected.

Be it enacted by the legislature of Alabama:

Sec. 1. The County of Elmore, in this state, through its court of county commissioners, may borrow money in anticipation of taxes for the year in which such loans are made and issue certificates of indebtedness or warrants covering such loans.

Sec. 2. Any money borrowed under authority of this act shall not be for a sum greater than one-half of the income from taxation of said county for the preceding year.

Sec. 3. All warrants issued under authority of this act shall be registered in the order in which they are issued, and said Court shall have set aside and apart out of the taxes of the current year a sufficient amount to repay said loan. Said warrants or certificates shall be paid in the order of their registration and entitled to priority of payment where said taxes have not been previously pledged according to law.

Sec. 4. Said warrants or certificates shall mature not later than February the first of the year following their issuance, and shall not be renewed. They shall bear interest at not exceeding six per centum per annum, and when paid shall be marked cancelled, which said cancellation shall be noted on the registration thereof and in the minutes of said court.

Sec. 5. Said warrants or certificates shall be executed in the name of the county and signed by the probate judge and each member of the said court and shall have fixed thereto the seal of the said court.

Sec. 6. This act shall go into effect immediately upon its passage and approval.

The State of Alabama,
Elmore County.

Before me the undersigned authority personally appeared W. W. Bateman, who by me first being duly sworn deposes and says that he is the Publisher

of The Wetumpka Herald, a weekly newspaper published at Wetumpka, in Elmore County, Alabama, and that the attached notice An Act to authorize Elmore County, through its Court of Commissions, to borrow money in anticipation of taxes was published in said newspaper for 4 successive weeks on to-wit: Jan. 2, 9, 16, and 23, 1936.

W. W. Bateman, Publisher,
The Wetumpka, Herald.

Sworn to and subscribed before me this the 10th day of Feb., 1936.

R. L. Parker,
Notary Public.

Also:

By Mr. Mooneyham:

S. 25. To prescribe the fees and commissions to be allowed the Tax Collectors and Tax Assessors for assessing and collecting all special County or District taxes levied for school purposes in all Counties of this State having a population of not less than eighty thousand persons and not more than one hundred thousand persons, according to the last Federal census or any subsequent Federal census.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:
Local Legislation No. One—S. 6, S. 7, S. 25.

ADJOURNMENT

On motion of Mr. Moore the House adjourned until Friday, February 28, 1936, at 10 o'clock A. M.

SIXTH DAY

House of Representatives,

Friday, February 28, 1936.

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Leroy Priest,
Pastor of Clayton Street Baptist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House the following members answered to their names:

Messrs.:			
Mr. Speaker	Douglass	Long	Robertson (Cullman)
Adams	Glover	Lusk	Robinson (Lowndes)
Almon	Goodwyn	Matthews	Sanderson
Arnold	Goolsby	Merrill	Sanford
Austin	Haley	Miles	Shaver
Bateman	Hall	Miller	Shipman
Blann	Hamner	Moore	Sightler
Boswell	Hanks	McDermott	Sparks (Barbour)
Braswell	Hare	McGowin	Sparks (Walker)
Bridges	Harrison	McPhaul	Spence
Britton	Heflin	Norman (Bullock)	Staples
Buffington	Hendley	Norman (Lowndes)	Steele
Bulger	Henson	O'Neal	Street
Byars	Hill	Owen (Etowah)	Taylor
Calhoun	Hodges	Owens (Madison)	Terry
Carter	Hollis	Parish (Henry)	Tidmore
Castleberry	Johnston	Parish (Pike)	Todd
Chichester	Jones	Petrey	Tolbert
Connor	Kelly	Poole	Tompkins
Cox	Kirby	Propst	Toomer
Davis	Langdon	Quarles	Waldrep
Delony	Lee (Bullock)	Rayburn	Welch
Denson	Lee (Monroe)	Reeder	Whigham
Dominick	Livingston	Reynolds	Williams
Doster			

—97

A quorum was present.

REPORT OF STANDING COMMITTEE ON REVISION OF THE
JOURNAL

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the House for the Fifth Legislative Day and finds same correct.

R. L. Tolbert,
Vice-Chairman.

The report of the Standing Committee on the Revision of the Journal was concurred in and adopted and the Journal of the House for the Fifth Legislative Day was approved.

RESOLUTION

Mr. Spence offered the following resolution:

By Mr. Spence:

H. J. R. 15. WHEREAS, this legislature has heard with genuine regret and sorrow of the death of our esteemed colleague, Hon. Julian W. Hollingsworth representative from Chambers county at his home in LaFayette last night, and

WHEREAS, we held Mr. Hollingsworth in affectionate regard and appreciation for his many splendid traits of character and his high conception of duty as a public servant and private citizen, and

WHEREAS, Mr. Hollingsworth's services in the Alabama Legislatures of 1931, 1932, 1933 and 1935 were beneficial to his state and county and of the highest order of patriotism,

THEREFORE, Be It Resolved, that we dedicate a page in the journal of this House to his memory and that the Speaker be authorized to name a committee of seven the Lieutenant Governor a committee of three members to represent this body at his funeral;

BE IT FURTHER Resolved, that we extend to his family our tenderest sympathy and that a copy of these resolutions be sent them by the Clerk of the House;

Be It Further Resolved, That when this Legislature adjourns today it do so as a further mark of respect to our deceased colleague, Julian W. Hollingsworth of Chambers County.

The rules were suspended and the Resolution, H. J. R. 15, was adopted by rising vote of the House. The Speaker appointed as Committee on part of the House to attend the funeral of Representative Hollingsworth the following: Mr. Spence, Chairman, and Messrs. Heflin, Denson, Toomer, Bulger, Street and Bridges.

In Memorium

In Recognition of the Life and Service of

Hon. Julian M. Hollingsworth

Member of the House of Representatives in the Sessions

of 1931 to 1936, Inclusive

This Page Is Dedicated.

REPORT OF STANDING COMMITTEE ON ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed Bills begs leave to report that said committee, in session, has compared the following engrossed bills with the original bills and finds same correctly engrossed, to-wit:

H. 24. To amend an act entitled, "An act to amend Section 269 of an act entitled 'An act to provide for the general revenue of the State of Alabama' approved July 10th, 1935", approved September 4th, 1935.

Also:

H. 48. To provide a lien for laundering, cleaning, pressing, and mending or otherwise renovating wearing apparel, household linens and articles of like kind, including hats and shoes, and to prescribe the manner of the enforcement of such lien.

Also:

H. 60. To amend subsection 46 of Section 4556 of the code of Alabama of 1923.

Also:

H. 61. To authorize and empower the Board of Revenue or Court of County Commissioners or other governing body of each and every county in Alabama to expend an amount not to exceed one-third of the total amount that may be received by each county from the levy and collection of any tax on gasoline in the payment of any debt that may have been heretofore incurred by such county for the construction and/or maintenance of roads or bridges, and to ratify any such expenditure heretofore made.

Also:

H. 64. To amend Section 3 of Article I of an act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

Also:

H. 66. To amend an Act entitled An Act to amend Section 5742 of the Code of Alabama of 1923, approved July 23, 1931.

Also:

H. 95. To authorize and empower the State Treasurer to pay to the owners of warrant refunding bonds issued under the authority of the Constitutional Amendment known as "The Debt Refunding Amendment, Act No. 179, passed April 14, 1933, Acts 1933, p. 196, and under the authority of Act No. 177, approved April 17, 1933, authorizing the issuance of such bonds pursuant to the authority of such Constitutional Amendment, the amount of such bonds with interest through July 1, 1935, when the bonds belonging to such owners have been lost, stolen or destroyed; to provide

the method of such payment; to provide the proof of such loss and to provide for indemnifying the State Treasurer for such payment and to provide punishment for any false statement in connection therewith.

Also:

H. 103. To amend Section 3238 of the Code of Alabama of 1923 relating to appeals in habeas corpus cases.

Also:

H. 104. To amend section 8605 of the Code of Alabama 1923.

Also:

H. 109. To provide for the revision, codification, digesting and promulgation of the public statutes of this State.

M. P. Kelly,
Chairman.

The report of the Standing Committee on Engrossed Bills was concurred in and adopted.

INTRODUCTION OF BILLS

On a call of counties, bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Hodges:

H. 168. To declare the public policy of the State as to the control, elimination and prevention of increase of wet, swamp or overflow lands as affecting the public health, general welfare or public convenience or in aid of agriculture; to create each County of the State a drainage district for the purpose of this Act; to provide for the establishment and development of drainage sub-districts; to provide for or assist land owners in providing for, the prevention, elimination, or control of overflow waters, wet, swamp and overflow lands through the control of surface waters and soil erosion by means of drainage, ditching or terracing as related to said declared policy; to provide for the creation of County Boards of Drainage Commissioners; to provide general powers of the County Board of Revenue or Commissioners necessary to carry out the purposes of this Act; to provide for the assessment and collection of costs and expenses of establishing proper control of surface waters upon agricultural lands of this State; to promote, aid and assist the purposes of drainage districts organized under the "Alabama Drainage Law"; to confer the right of eminent domain to the extent necessary to carry into effect the purposes of this Act; and to provide for the repeal of laws in conflict with this Act in so far as they affect the operations of this Act.

Agriculture.

By Mr. Hare:

H. 169. To regulate the sale, transfer and possession of certain types of firearms; to provide for the licensing of dealers and owners of such firearms; to fix rules of evidence in the Courts of this State in prosecutions for violations of this Act; to prescribe penalties for the violations of any provision herein and to make uniform the law with reference thereto.

Judiciary.

By Mr. Connor:

H. 170. To amend section 8 of an act entitled, "An Act to provide for the public safety; to regulate the operation of motor vehicles on the public highways; to provide for the registration and licensing of drivers or operators of motor vehicles and to fix the fees therefor. To authorize the State Highway Commission, with the approval of the Governor, to establish and promulgate reasonable rules and regulations concerning the operation of motor vehicles; to provide punishment and penalties for the violation of the provisions of this Act and of the rules and regulations authorized hereby; to provide for the suspension and revocation of driver's licenses issued; to authorize the appointment or employment of the necessary officers and agents, and the purchase of the necessary equipment to make the provisions hereof effective; and to provide for the compensation of the officers and agents so employed," approved September 2, 1935.

Local Legislation No. Two.

By Mr. Waldrep:

H. 171. To amend Section 376 of the Code of Alabama of 1923, as amended by an Act of the Legislature of Alabama of 1927 entitled, "An Act to amend Sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923," approved August 20, 1927, as amended by an Act of the Legislature of Alabama of 1932, Extra Session, approved October 4, 1932, entitled, "An Act to amend Section 376 of the Code of Alabama of 1923 as amended by an Act of the Legislature of Alabama, approved August 20, 1927, entitled: 'An Act to amend Sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923,' found on page 274 of the Acts of 1927, as amended by an Act of the Legislature of Alabama of 1935 entitled, "An Act to amend Section 376 of the Code of Alabama of 1923, as amended by an act of the Legislature of Alabama of 1927 entitled, 'An Act to amend sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923,' approved August 20, 1927."

Privileges and Elections.

By Mr. Long:

H. 172. Amend House Bill 324, Section 215, page 351, approved July 10th, 1935.

Judiciary.

By Mr. Todd:

H. 173. To amend Sections I, II, III, IV, V, VI, VII, VIII, IX, X, XI, and XII, of an Act entitled "An Act to regulate the occupation and practice of Cosmetology in all Counties of the State of Alabama now having or which may hereafter have a population of 400,000 or more according to the last or any subsequent Federal census; to establish a Board of Cosmetological Examiners in each of such counties; to define the duties of such Boards, the election of officers, etc., and their duties; provide for the salaries of such Boards and the employees of such Boards, to define what shall constitute the practice of Cosmetology in such counties; to set up qualifications for apprentices or students in such counties and for admission to practice Cosmetology; to provide for issuance of certificates of registration for shops and schools in such counties; to provide requirements of shops and schools teaching Cosmetology in such counties, provide for the refusal or revocation of certificates of registration in such counties, the requirement of renewal of registration and licenses in such counties and penalties for the violation of this Act," which became a law July 23rd, 1931.

Local Legislation No. Two.

By Mr. Almon:

H. 174. Declaring a State and National Emergency to exist affecting the service trades within the State of Alabama, declaring the necessity for ordinances providing for fair competition among service trade; declaring this Act an emergency measure; authorizing the governing bodies of all cities of this State whose population is not less than 10,000 nor more than 30,000 according to the last or any subsequent federal census to enact or repeal such ordinances providing for fair competition among those trades wherein services are rendered to the public without the sale of merchandise as such except as a mere incident to such service; providing for the application to the Governing bodies of such cities for the establishment of ordinances providing for fair competition, and providing a penalty for violation of provision of ordinances so adopted.

Judiciary.

By Mr. Walker (with notice and proof):

H. 175. To amend Section 3 of an Act entitled "An Act to provide for the election of County Superintendent of Education for Limestone County, Alabama, to fix his term of office, to prescribe

his salary and the manner of payment, to define his qualifications, powers and duties, and to provide for his successor in office", by providing an expense allowance to said Superintendent of Education.

Local Legislation No. One.

Notice and proof H. 175:

NOTICE

Notice is hereby that a local law for Limestone county providing that certain necessary expenses of the county superintendent of Limestone county incurred in pursuit of his official duties shall be paid as is the salary of said superintendent, providing however that such expenses shall not exceed three hundred dollars per calendar year, will be introduced at the proposed special session of the Alabama legislature.

5-4t

R. H. WALKER.

THE STATE OF ALABAMA }
MONTGOMERY COUNTY }

Before me, the undersigned authority in and for said State and County, personally appeared R. H. Walker, who, being first duly sworn, deposes and says:

That he is Editor and Publisher of The Limestone Democrat, a weekly newspaper published in Athens, Limestone County, Alabama; that the above and foregoing notice was published in said paper in the issues of January 30th, February 6th, 13th and 20th, 1936.

R. H. WALKER.

Sworn to and subscribed before me on this the 27th day of February, 1936.

JULIA KLENGE,
Notary Public.

By Mr. Walker (with notice and proof):

H. 176. To amend Section 1 of an act entitled "An Act to authorize the Court of County Commissioners of Limestone County, Alabama, to levy a tax or privilege license on all persons selling, or keeping in storage for sale, gasoline, Woco Pep, or any other motor fuel used by self propelled vehicles, and to provide rules, regulations and machinery for the collection thereof; and to provide penalties for the violation of such rules and regulations".

Local Legislation No. One.

Notice and proof H. 176:

NOTICE

Notice is hereby given that at a proposed special session of the legislature of Alabama, to be called by Governor Graves, a bill will be introduced which will amend the special act permitting the court of county commissioners, or other governing body of Limestone county to levy a special tax on gasoline not to exceed three cents. The proposed amendment will provide that the question of continuing said tax will be submitted to the qual-

ified voters of Limestone county at the general election to be held in November, 1936, and providing further that the county board of revenue shall be governed by the wishes of a majority of the voters of Limestone county as expressed on the subject at said election in November, 1936.
5-4t

R. H. WALKER.

THE STATE OF ALABAMA }
MONTGOMERY COUNTY }

Before me, the undersigned authority in and for said State and County, personally appeared R. H. Walker, who, being first duly sworn, deposes and says:

That he is Editor and Publisher of The Limestone Democrat, a weekly newspaper published in Athens, Limestone County, Alabama; that the above and foregoing notice was published in said newspaper for four consecutive weeks in the issues of January 30th, February 6th, 13th, and 20th, 1936

R. H. WALKER.

Sworn to and subscribed before me on this the 27th day of February, 1936

JULIA KLENGE,
Notary Public.

By Mr. Adams (by request):

H. 177. To provide for the appointment of deputy circuit solicitors in all counties of this state, having a population of 300,000 or more according to the last or any subsequent Federal census, to prescribe their duties and to fix their compensation and to provide the way and manner of paying the same.

Local Legislation No. Two.

By Mr. Robertson (Cullman):

H. 178. To amend Schedule 158 of Chapter 6, Article 13 of "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

Ways and Means.

By Mr. Denson:

H. 179. To regulate school warrants, school finances, and school tax elections, to validate certain school warrants and indebtedness, and to repeal laws in conflict therewith.

Judiciary.

By Mr. Harrison:

H. 180. To provide for the general revenue of the State of Alabama.

Ways and Means.

BILLS ON SECOND READING

Mr. Delony, Chairman of the Standing Committee on Appropriations, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. Delony:

H. 111. To make appropriation of Two Hundred Thousand Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to defray the expenses of the present session of the Legislature.

By Mr. Street:

H. 128. To make an appropriation for the support, maintenance and improvement of the Southern Industrial Institute.

Mr. Glover, Chairman of the Standing Committee on Local Legislation No. One, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

By Mr. Waldrep (with amendment) (with notice and proof):

H. 152. To authorize and empower the Court of County Revenue of Franklin County, Alabama, to apply to, and expend on State and or State and Federal aid highways, within said County in said State, any part or all of the funds of said County derived from the excise tax on gasoline or other liquid motor fuels heretofore levied or that may hereafter be levied and collected by the State of Alabama and paid to said County in the construction or repair of said highways, in connection with other funds contributed or expended by the State of Alabama and or the Federal Government, or otherwise, and to authorize and empower the said Court of County Revenue of said County to enter into contracts for said construction or repair of said highways with the State of Alabama and or the Federal Government. Also to authorize and empower the Court of County Revenue of said Franklin County to borrow money for the purpose of constructing or repairing State and or State and Federal highways within said County and to pledge as security therefor, any or all of the said excise tax on gasoline or other liquid motor fuels heretofore levied or that may hereafter be levied and collected by the State of Alabama, and paid to said Franklin County as security for said loan or loans, and to provide for the issuance of interest bearing warrants to secure and liquidate said loans; provided however, that \$10,000.00 per year of said excise tax shall not be affected by this Act, but shall be applied on bonded indebtedness of the County as provided by a Local Act for said County.

Mr. Glover, Chairman of the Standing Committee on Local Legislation No. One, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. Castleberry (with notice and proof):

H. 143. To abolish the fine and forfeiture fund of Conecuh County, Alabama; to provide for the payment into the general fund of said County of all moneys which under existing laws, or laws hereafter enacted, are payable into said fine and forfeiture fund; to provide that witnesses summoned on behalf of the State and all other claims which are payable out of the fine and forfeiture fund of Conecuh County shall, in the future, be paid out of the general fund of said County; to fix the priorities of said Claims; to provide for the registration of same; to regulate the payment of same; and to validate all witness certificates and claims now outstanding against the fine and forfeiture fund.

By Mr. Tolbert (with notice and proof):

H. 151. To allow the Sheriff of DEKALB COUNTY, Alabama, an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of DeKalb County in monthly installments.

By Mr. Byars (with notice and proof):

H. 159. To provide that certain officers of Lawrence County shall each receive an increase in pay as follows: The members of the Board of Revenue shall each receive four dollars (\$4.00) per day instead of three dollars (\$3.00) per day for services rendered to be paid from the gas tax fund and the Sheriff shall receive fifty dollars (\$50.00) per month for gas, oil and car upkeep expenses to be paid from the gas tax fund and to provide if it is illegal to pay these amounts to any of them from the gas tax fund they shall be paid from the general fund or any other unexpended county funds.

By Mr. McDermott (with notice and proof):

H. 160. To provide for an additional allowance for clerical assistance in the office of the Register of the Circuit Court of Mobile County, Alabama, and to provide for the payment of said allowance.

By Mr. Moneyham:

S. 25. To prescribe the fees and commissions to be allowed the Tax Collectors and Tax Assessors for assessing and collecting all special County or District taxes levied for school purposes in all Counties of this State having a population of not less than eighty thousand persons and not more than one hundred thousand persons, according to the last Federal census or any subsequent Federal census.

By Mr. Waldrep (with notice and proof):

H. 153. To amend an act entitled An Act: "To require twenty per cent of the total funds received by Franklin County from the levy and collection by the State of gasoline taxes, or taxes on other motor fuels to be used for the purpose of establishing a sinking fund for the retirement of the \$227,000.00 in bonds of said county, requiring the County Treasurer of said County to set aside said fund for said purpose; authorizing the Commissioners Court or Board of Revenue of said County to purchase and retire before maturity said bonds or any portion thereof, with said fund; providing that on final payment and retirement of said bonds, all such funds received by said County from the said gasoline taxes, or taxes on other motor fuels shall be used as provided by the general laws of Alabama; and providing the time when this Act shall take effect. Approved by the Governor on June 6th, 1935, so as to make said Act read as follows: An Act to require the Treasurer or other legal custodian of the funds of Franklin County, Alabama, to set aside out of the excise tax on gasoline or other liquid motor fuels, collected by the State of Alabama and paid to the County of Franklin usually known as the gasoline tax, the sum of \$9, 960.00 per year as a sinking fund, for the retirement of the \$227,000.00 of outstanding road bonds against said County; to provide the manner of setting aside the same and requiring the Court of County Commissioners to use said sinking fund in the purchase and retirement of said bonds, and providing the time when this Act shall take effect.

By Mr. Waldrep (with notice and proof):

H. 154. To authorize the payment of the per diem and mileage of the members of the Court of County Revenue of Franklin County, Alabama, out of the excise gas tax of the county, when engaged in inspecting, accepting, building, repairing or maintaining public roads or bridges in the county.

By Mr. Castleberry (with notice and proof):

H. 146. To provide for the relief of J. R. Kelley, and to authorize the Board of Revenue of Conecuh County to audit and allow his claim, and to provide for the payment thereof.

By Mr. Castleberry (with notice and proof):

H. 144. To provide for the relief of J. R. Kelley, and to authorize the Board of Education of Conecuh County to audit and allow his claim, and to provide for the payment thereof.

Mr. Welch, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. DeVane:

H. 110. To Amend Section 3759 of the Code of Alabama of 1923 relating to Solicitor's fees for convictions in misdemeanor cases in County Courts and Inferior Courts, so as to read as follows:

By Mr. Kelly:

H. 97. To amend Section 8855 of Chapter 314 of the Code of Alabama, of 1923.

Mr. Chichester, Chairman of the Standing Committee on Game, Fish and Fisheries, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Castleberry:

H. 114. To amend Section 4193 of the Code of Alabama.

Mr. Harrison, Chairman of the Standing Committee on Ways and Means, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Castleberry:

H. 112. To amend Schedule 82 of Section 348 of Chapter 1 of Article XIII of an act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

The above and foregoing bills were severally read a second time and placed on the Calendar.

RESOLUTIONS

Mr. Staples offered the following House joint resolution:

By Mr. Staples:

H. J. R. 16. BE IT RESOLVED BY THE HOUSE, THE SENATE CONCURRING THAT:

Whereas, the Congress of the United States of America has imposed a tax upon all sales of gasoline; and

Whereas, the State of Alabama and all other several states of the United States have already imposed taxes upon such sales; and

Whereas, the federal tax on such sales is untimely and prohibitive and, coupled with the respective state taxes on such sales, places a burden upon the users of gasoline beyond that which they should carry and beyond that which the traffic can legitimately bear; and

Whereas, the taxation of sales of gasoline should properly be left to the exclusive use of the states as a means of providing funds for road construction and maintenance, now, therefore, be it

RESOLVED by the House of Representatives of the State of Alabama the Senate concurring therein, that the Congress of the United States be and it is hereby respectfully memorialized to enact with all convenient speed such legislation as may be necessary to abolish the federal gasoline sales tax and to surrender to the state exclusively the power to tax such sales in the future, and be it further

RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Clerk of the House of Representatives, the Secretary of the United States and to each member of Congress elected from the State of Alabama and that the latter be urged to use their best offices to procure the enactment of such legislation as will accomplish the purposes of this resolution.

On motion of Mr. Staples the rules were suspended and the resolution, H. J. R. 16, was adopted.

Mr. Goolsby offered the following resolution:

By Mr. Goolsby:

H. J. R. 17. Whereas the Legislature of Alabama has been called into extra ordinary session largely to prevent the schools of this State from closing, and Whereas many schools have been closed for the lack of funds to pay teachers. Therefore Be It Resolved By The House of Representatives, The Senate concurring, that this Legislature remain in session for five working days each week until all schools are opened and assured of continuous operation for their fixed terms.

And the resolution, H. J. R. 17, was referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following joint resolution:

By the Rules Committee:

S. J. R. 17. BE IT RESOLVED by the Senate, the House concurring that when the two Houses adjourn today, they adjourn to meet again Tuesday, March 3rd, 1936, at 10 o'clock.

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Harrison the rules were suspended and the resolution, S. J. R. 17, was adopted.

BILLS ON THIRD READING

H. 25. To amend Section 291 of an act entitled, "An Act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

Was taken up. The question was on the adoption of the Substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

Substitute for House Bill No. 25:

A BILL

To be entitled An Act to amend Section 291 of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 291 of an Act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935, be amended so as to read as follows:

Section 291. Whenever any real estate has, prior to January 1st, 1935, been sold for taxes and bid in by the State at tax sale, the same may be redeemed in the same manner as heretofore provided for sales made after January 1st, 1935, except that the following additional provisions shall apply: All persons having the right to redeem, shall have four years from the date of sale to redeem and such redemption shall be made as in other cases, except that the party desiring to redeem may pay the amount of accrued taxes in four equal installments without interest or penalties. Any person having the right to redeem any property sold to the State for taxes, and who desires to redeem under the provisions hereof, shall, before January 1st, 1937 make application to the Probate Judge of the County where the real estate is situated, the same to be approved by the State Land Commissioner, and shall deposit with the Probate Judge a sum equal to not less than one-fourth of accrued taxes, without interest or penalties, and annually thereafter shall pay not less than one-fourth of said sum to the Probate Judge. The party redeeming said property shall, within thirty days from the date of making said initial payment, assess said property for taxes for the then current tax year, and the same shall

be assessed for each year thereafter in the manner required by law, and the taxes for the subsequent tax years shall be paid in the manner required by law. Upon the payment of all back taxes, as provided for herein, and of all taxes for the subsequent tax years which have accrued, a certificate of redemption shall be issued as in other cases.

This act is to take effect upon its approval by the Governor.

And the substitute was adopted.

Yeas, 77; Nays, 0.

Yeas:

Messrs.:

Adams	Goodwyn	Lusk	Reynolds
Almon	Goolsby	Matthews	Robertson (Cullman)
Arnold	Haley	Merrill	Robinson (Lowndes)
Austin	Hall	Miles	Shaver
Bateman	Hamner	Miller	Shipman
Blann	Hanks	Moore	Sightler
Boswell	Hare	McDermott	Sparks (Walker)
Bridges	Heflin	McPhaul	Spence
Britton	Hendley	Norman (Bullock)	Steele
Byars	Henson	Norman (Lowndes)	Street
Castleberry	Hill	Owen (Etowah)	Tidmore
Chichester	Hollis	Owens (Madison)	Todd
Cox	Johnston	Parish (Henry)	Tolbert
Davis	Jones	Parish (Pike)	Tompkins
Delony	Langdon	Poole	Toomer
Denson	Lee (Bullock)	Propst	Waldrep
Dominick	Lee (Monroe)	Quarles	Welch
Doster	Livingston	Rayburn	Whigham
Douglass	Long	Reeder	Williams
Glover			

—77

And the bill:

H. 25. To amend Section 291 of an act entitled, "An Act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

As amended by the Substitute, was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 77; Nays, 0.

Yeas:

Messrs.:

Adams	Byars	Douglass	Heflin
Almon	Castleberry	Glover	Hendley
Arnold	Chichester	Goodwyn	Henson
Austin	Cox	Goolsby	Hill
Bateman	Davis	Haley	Hollis
Blann	Delony	Hall	Johnston
Boswell	Denson	Hamner	Jones
Bridges	Dominick	Hanks	Langdon
Britton	Doster	Hare	Lee (Bullock)

Lee (Monroe)	Norman (Bullock)	Reeder	Street
Livingston	Norman (Lowndes)	Reynolds	Tidmore
Long	Owen (Etowah)	Robertson (Cullman)	Todd
Lusk	Owens (Madison)	Robinson (Lowndes)	Tolbert
Matthews	Parish (Henry)	Shaver	Tompkins
Merrill	Parish (Pike)	Shipman	Toomer
Miles	Poole	Sightler	Waldrep
Miller	Propst	Sparks (Walker)	Welch
Moore	Quarles	Spence	Whigham
McDermott	Rayburn	Steele	Williams
McPhaul			

—77

H. 26. To amend Section 12 of an act entitled, "An Act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 74; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Dominick	Matthews	Reynolds
Adams	Douglass	Merrill	Robinson (Lowndes)
Almon	Glover	Miles	Sanderson
Arnold	Goolsby	Miller	Sanford
Austin	Haley	McDermott	Shaver
Bateman	Hall	McPhaul	Shipman
Boswell	Hare	Norman (Bullock)	Sightler
Braswell	Heflin	Norman (Lowndes)	Sparks (Walker)
Bridges	Hendley	O'Neal	Spence
Britton	Henson	Owen (Etowah)	Steele
Buffington	Hill	Owens (Madison)	Terry
Bulger	Hodges	Parish (Henry)	Tidmore
Byars	Johnston	Parish (Pike)	Todd
Calhoun	Jones	Poole	Tolbert
Castleberry	Kirby	Propst	Tompkins
Chichester	Langdon	Quarles	Welch
Connor	Livingston	Rayburn	Whigham
Cox	Long	Reeder	Williams
Delony	Lusk		

—74

H. 58. To define turpentine gum (oleoresin) and the products as processed therefrom by the original producer as agricultural commodities and agricultural farm products.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 71; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Blann	Buffington	Carter
Adams	Braswell	Bulger	Castleberry
Austin	Bridges	Byars	Chichester
Bateman	Britton	Calhoun	Connor

Cox	Kirby	Owen (Etowah)	Sightler
Dominick	Langdon	Owens (Madison)	Sparks (Walker)
Douglass	Lee (Bullock)	Parish (Henry)	Spence
Haley	Livingston	Parish (Pike)	Steele
Hall	Long	Petrey	Street
Hamner	Lusk	Quarles	Terry
Heflin	Merrill	Rayburn	Tidmore
Hendley	Miller	Reeder	Todd
Henson	Moore	Robertson (Cullman)	Tolbert
Hill	McDermott	Robinson (Lowndes)	Tompkins
Hodges	McGowin	Sanderson	Toomer
Johnston	McPhaul	Sanford	Waldrep
Jones	Norman (Lowndes)	Shaver	Welch
Kelly	O'Neal	Shipman	

--71

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the resolution:

H. J. R. 15. Relative to the death of Honorable Julian W. Hollingsworth, member of the House of Representatives from Chambers County.

And the Lieutenant-Governor has named as a committee on part of the Senate Messrs. Walton, St. John and Cook.

And returns same herewith to the House.

J. E. Speight,
Secretary.

BILLS ON THIRD READING

H. 82. To provide for and regulate the service of persons summoned for jury duty in the circuit courts in counties having a population of 300,000 or more according to the last or any subsequent Federal Census; and without limiting or derogating from the generality and comprehensiveness of the foregoing portion of this title, to regulate the excusing of persons summoned for jury service in such courts in such counties, and to provide for the performance of jury duty by persons summoned for such duty at a time subsequent to that for which they were originally summoned; and to provide for the fees of persons summoned for jury duty who are excused and required to perform jury duty at such subsequent time.

Was taken up. The question was on the adoption of the amendment reported by the Standing Committee on Local Legislation No. Two, said committee amendment being as follows:

COMMITTEE AMENDMENT HOUSE BILL NO. 82

Amend Section 4 of House Bill Number 82 by striking out the word "any" where it first appears in said section and inserting in lieu thereof the word "no".

And the amendment was adopted.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Delony	Jones	Quarles
Adams	Denson	Kelly	Rayburn
Almon	Dominick	Kirby	Reeder
Arnold	Doster	Lee (Bullock)	Reynolds
Austin	Douglass	Long	Sanford
Blann	Glover	Lusk	Sightler
Boswell	Goolsby	Miles	Spence
Bridges	Haley	Moore	Steele
Britton	Hall	McDermott	Street
Bulger	Hanks	McGowin	Taylor
Byars	Hare	McPhaul	Terry
Calhoun	Heflin	Norman (Bullock)	Todd
Carter	Hendley	O'Neal	Tolbert
Connor	Henson	Owen (Etowah)	Waldrep
Cook	Hill	Poole	Welch
Cox	Hodges	Propst	Whigham
Davis	Hollis		

—66

And the bill:

H. 82. To provide for and regulate the service of persons summoned for jury duty in the circuit courts in counties having a population of 300,000 or more according to the last or any subsequent Federal Census; and without limiting or derogating from the generality and comprehensiveness of the foregoing portion of this title, to regulate the excusing of persons summoned for jury service in such courts in such counties, and to provide for the performance of jury duty by persons summoned for such duty at a time subsequent to that for which they were originally summoned; and to provide for the fees of persons summoned for jury duty who are excused and required to perform jury duty at such subsequent time.

As amended, was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Austin	Britton	Carter
Adams	Blann	Bulger	Connor
Almon	Boswell	Byars	Cook
Arnold	Bridges	Calhoun	Cox

Davis	Hendley	McDermott	Sanford
Delony	Henson	McGowin	Sightler
Denson	Hill	McPhaul	Spence
Dominick	Hodges	Norman (Bullock)	Steele
Doster	Hollis	O'Neal	Street
Douglass	Jones	Owen (Etowah)	Taylor
Glover	Kelly	Poole	Terry
Goolsby	Kirby	Propst	Todd
Haley	Lee (Bullock)	Quarles	Tolbert
Hall	Long	Rayburn	Waldrep
Hanks	Lusk	Reeder	Welch
Hare	Miles	Reynolds	Whigham
Heflin	Moore		

—66

H. 79. To place the duty upon each Circuit Solicitor having a county or counties within his circuit with a population of 300,000 or more according to the last or any subsequent Federal Census, to represent the State in the Court of Appeals of Alabama and in the Supreme Court of Alabama, in all criminal cases appealed from the circuit court in such county or counties having a population of 300,000 or more according to the last or any subsequent Federal Census.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Delony	Jones	Quarles
Adams	Denson	Kelly	Rayburn
Almon	Dominick	Kirby	Reeder
Arnold	Doster	Lee (Bullock)	Reynolds
Austin	Douglass	Long	Sanford
Blann	Glover	Lusk	Sightler
Boswell	Goolsby	Miles	Spence
Bridges	Haley	Moore	Steele
Britton	Hall	McDermott	Street
Bulger	Hanks	McGowin	Taylor
Byars	Hare	McPhaul	Terry
Calhoun	Heflin	Norman (Bullock)	Todd
Carter	Hendley	O'Neal	Tolbert
Connor	Henson	Owen (Etowah)	Waldrep
Cook	Hill	Poole	Welch
Cox	Hodges	Propst	Whigham
Davis	Hollis		

—66

H. 77. To amend Section 6672 of the 1923 Code of Alabama.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Yeas, 0.

Yeas:

Messrs.:

Mr. Speaker	Delony	Jones	Quarles
Adams	Denson	Kelly	Rayburn
Almon	Dominick	Kirby	Reeder
Arnold	Doster	Lee (Bullock)	Reynolds
Austin	Douglas	Long	Sanford
Blann	Glover	Lusk	Sightler
Boswell	Goolsby	Miles	Spence
Bridges	Haley	Moore	Steele
Britton	Hall	McDermott	Street
Bulger	Hanks	McGowin	Taylor
Byars	Hare	McPhaul	Terry
Calhoun	Heflin	Norman (Bullock)	Todd
Carter	Hendley	O'Neal	Tolbert
Connor	Henson	Owen (Etowah)	Waldrep
Cook	Hill	Poole	Welch
Cox	Hodges	Propst	Whigham
Davis	Hollis		

—66

H. 102. To provide that all fines and forfeitures collected through recorder courts in all cities in this state now having or which may hereafter have a population of not less than 68,000 nor more than 150,000 inhabitants, according to the last or any subsequent Federal census, shall be received and kept by such cities in a separate fund and used exclusively toward increasing the salaries and compensation of the policemen and firemen and police and fire department personnels of such cities whose individual monthly salary or compensation does not exceed One Hundred Dollars per month; to fix and provide the time when and the manner in which such monies shall be disbursed; to fix and provide the basis of determining those entitled to share in said funds, and fixing their minimum regular salaries; to prohibit any reduction of regular salaries in carrying this Act into effect; making any violation of any provision of this Act a misdemeanor; providing a saving clause; and repealing all laws in conflict herewith.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 65; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Byars	Doster	Henson
Adams	Calhoun	Douglass	Hill
Almon	Carter	Glover	Hodges
Arnold	Connor	Goolsby	Hollis
Austin	Cook	Haley	Jones
Blann	Cox	Hall	Kelly
Boswell	Davis	Hanks	Kirby
Bridges	Delony	Hare	Lee (Bullock)
Britton	Denson	Heflin	Long
Bulger	Dominick	Hendley	Lusk

Miles	Poole	Sanford	Terry
Moore	Propst	Sightler	Todd
McDermott	Quarles	Spence	Tolbert
McGowin	Rayburn	Steele	Waldrep
McPhaul	Reeder	Street	Welch
O'Neal	Reynolds	Taylor	Whigham
Owen (Etowah)			

—65

On motion of Mr. McDermott the Bill, H. 102, was ordered sent forthwith to the Senate without engrossment.

H. 105. To authorize the Court of County Commissioners of Bullock County, Alabama, to replace in the Fine and Forfeiture Fund of said county, by transfer from the General Fund of said county to the Fine and Forfeiture Fund of said county, such sums of money as have been heretofore transferred from said Fine and Forfeiture Fund to the General Fund of said county.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Delony	Jones	Quarles
Adams	Denson	Kelly	Rayburn
Almon	Dominick	Kirby	Reeder
Arnold	Doster	Lee (Bullock)	Reynolds
Austin	Douglass	Long	Sanford
Blann	Glover	Lusk	Sightler
Boswell	Goolsby	Miles	Spence
Bridges	Haley	Moore	Steele
Britton	Hall	McDermott	Street
Bulger	Hanks	McGowin	Taylor
Byars	Hare	McPhaul	Terry
Calhoun	Heflin	Norman (Bullock)	Todd
Carter	Hendley	O'Neal	Tolbert
Connor	Henson	Owen (Etowah)	Waldrep
Cook	Hill	Poole	Welch
Cox	Hodges	Propst	Whigham
Davis	Hollis		

—66

On motion of Mr. Norman (Bullock) the bill, H. 105, was ordered sent forthwith to the Senate without engrossment.

H. 130. To provide that all persons in Covington County, Alabama be relieved from all legal obligations to work on the public roads or to pay any money in lieu of such obligation to work on the public roads in said county, and to prohibit the levy and collection of a per capita road tax in said County.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Delony	Jones	Quarles
Adams	Denson	Kelly	Rayburn
Almon	Dominick	Kirby	Reeder
Arnold	Doster	Lee (Bullock)	Reynolds
Austin	Douglass	Long	Sanford
Blann	Glover	Lusk	Sightler
Boswell	Goolsby	Miles	Spence
Bridges	Haley	Moore	Steele
Britton	Hall	McDermott	Street
Bulger	Hanks	McGowin	Taylor
Byars	Hare	McPhaul	Terry
Calhoun	Heflin	Norman (Bullock)	Todd
Carter	Hendley	O'Neal	Tolbert
Connor	Henson	Owen (Etowah)	Waldrep
Cook	Hill	Poole	Welch
Cox	Hodges	Propst	Whigham
Davis	Hollis		

—66

On motion of Mr. Hendley the bill, H. 130, was ordered sent forthwith to the Senate without engrossment.

H. 118. To amend Sections 7547, 7551, 7552, 7554, 7556, 7557, 7558, 7560, 7563, 7567, and 7596 of the Code of Alabama of 1923, and to repeal Section 7562 of said Code.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 74; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Hanks	Moore	Shaver
Arnold	Hare	McDermott	Shipman
Blann	Heflin	McGowin	Sightler
Bridges	Henson	Norman (Bullock)	Sparks (Barbour)
Britton	Hill	O'Neal	Sparks (Walker)
Buffington	Hodges	Owen (Etowah)	Spence
Bulger	Hollis	Owens (Madison)	Steele
Byars	Johnston	Parish (Henry)	Taylor
Calhoun	Jones	Parish (Pike)	Terry
Connor	Kelly	Poole	Tidmore
Davis	Kirby	Quarles	Todd
Delony	Lee (Bullock)	Rayburn	Tolbert
Dominick	Lee (Monroe)	Reeder	Tompkins
Doster	Livingston	Reynolds	Toomer
Douglass	Long	Robertson (Cullman)	Waldrep
Glover	Lusk	Robinson (Lowndes)	Welch
Haley	Matthews	Sanderson	Whigham
Hall	Merrill	Sanford	Williams
Hamner	Miller		

—74

H. 120. To require the Court of County Commissioners of Escambia County, Alabama, to levy a special tax of one-twentieth of One per cent, on all taxable property in said county as assessed

for state taxation for the tax year commencing October 1st, 1935, and subsequent years, to be used for Public Health Work in Escambia County; to provide that the total levy in any one year shall not exceed one-half of one per cent, exclusive of levies for public buildings or bridges; to fix said special tax of one-twentieth of one per cent. assessed for public health work as Escambia County's contribution to the budget of the Escambia County Health Department; and to provide to whom said special tax shall be paid, and how the same shall be disbursed.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Delony	Jones	Quarles
Adams	Denson	Kelly	Rayburn
Almon	Dominick	Kirby	Reeder
Arnold	Doster	Lee (Bullock)	Reynolds
Austin	Douglass	Long	Sanford
Blann	Glover	Lusk	Sightler
Boswell	Goolsby	Miles	Spence
Bridges	Haley	Moore	Steele
Britton	Hall	McDermott	Street
Bulger	Hanks	McGowin	Taylor
Byars	Hare	McPhaul	Terry
Calhoun	Heflin	Norman (Bullock)	Todd
Carter	Hendley	O'Neal	Tolbert
Connor	Henson	Owen (Etowah)	Waldrep
Cook	Hill	Poole	Welch
Cox	Hodges	Propst	Whigham
Davis	Hollis		

—66

On motion of Mr. Goolsby the bill, H. 120, was ordered sent forthwith to the Senate without engrossment.

RESOLUTIONS

Mr. Hill offered the following resolution:

By Mr. Hill:

H. J. R. 18. WHEREAS, the Governor of the State of Alabama has called this legislative body into session for the purpose of providing the means and methods by which the schools of the State of Alabama and the Public Welfare Agencies of this State may continue to operate, and

WHEREAS, the schools in several counties in this State have been compelled to close their doors because of lack of funds, and,

WHEREAS, the schools in practically every county of this State will be forced to do likewise unless immediate financial assistance is tendered them, and

WHEREAS, the Public Welfare Agencies of this State must have additional funds with which to operate;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, The House and Senate jointly concurring, that the Legislature of Alabama immediately take such steps as are necessary to meet the emergency which exists, and to provide such necessary funds as are required to continue the operation of the Public Schools and the Public Welfare Agencies of this State.

The resolution was referred to the Standing Committee on Rules.

Mr. Hanks offered the following Resolution:

By Mr. Hanks:

H. J. R. 19. Whereas the Hon. Bibb Mills president of the anti saloon league of the State of Alabama has requested of the Legislature of Alabama that a Committee be appointed to investigate certain alleged charges made against the said anti saloon league by A. L. Hanks, a member of the Legislature, Ralph Hurst, newspaper reporter, and Hubert Baughn, newspaper reporter. Therefore,

Be It Resolved By The House of Representatives, the Senate concurring, that the Speaker of the House appoint three members of the House and the Senate appoint two members of the Senate, to investigate the said alleged charges.

Be It Further Resolved, that an appropriation of \$5,000.00 is hereby made for the purpose of holding the said investigation, said sum to be paid out of the general treasury of the State, and not otherwise appropriated.

Be It Further Resolved, that the said Committee shall have power to summon and investigate such witnesses and persons to answer any and all questions submitted to said witnesses by the said Committee.

The resolution was referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following bill and sends same herewith to the House without engrossment:

By Messrs. Swift & Kelly (with notice and proof):

S. 16. To authorize and empower the governing bodies of each of the several counties composing the Twenty-first Judicial Circuit of Alabama, namely, the counties of Baldwin, Conecuh,

Escambia and Monroe, by resolution duly adopted and entered of record on the minutes of said governing bodies, or either of them, to pay to the Circuit Judge of said Circuit the sum of Twenty-five Dollars (\$25.00) per month, per county; said sums, when so paid by each of said counties, to be in lieu of all expenses now allowed by law to said Circuit Judge while in his own Circuit.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given of intention to apply to the next Special Session of the Legislature of Alabama of a Local Law in substance as follows:

• A BILL

TO BE ENTITLED

AN ACT

To authorize and empower the governing bodies of each of the several counties composing the Twenty-first Judicial Circuit of Alabama, namely, the counties of Baldwin, Conecuh, Escambia and Monroe, by resolution duly adopted and entered of record on the Minutes of said governing bodies, or either of them, to pay to the Circuit Judge of said Circuit the sum of Twenty-five Dollars (\$25.00) per month, per county; said sums, when so paid by each of said counties, to be in lieu of all expenses now allowed by law to said Circuit Judge while in his own Circuit.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION ONE. That from and after passage of this Act each of the several governing bodies of the several counties composing the Twenty-first Judicial Circuit of Alabama, namely, the counties of Baldwin, Conecuh, Escambia and Monroe, are severally authorized and empowered, by resolution duly adopted and entered of record on the Minutes of said governing bodies, or either of them, to pay to the Circuit Judge of said Circuit the sum of Twenty-five Dollars (\$25.00) per month, per county, as expense money for the conduct of his office.

SECTION TWO. That said sum of Twenty-five Dollars (\$25.00) per month, per county, when authorized by the governing bodies of said counties, or either of them, shall be paid monthly out of the County Treasury of said county, or counties, so authorizing such payments as herein provided, upon the warrant of the said Circuit Judge, such warrant to be paid as other expenses of the Courts are paid; the said sums, when so paid by each of said counties, shall be in lieu of all other expenses now allowed by law to be paid said Circuit Judge while in his own Circuit.

SECTION THREE. In the event the salary paid said Circuit Judge by the State of Alabama shall at any time be increased above that which said Circuit Judge is now receiving, the amount paid monthly by each of said counties under this Act shall be reduced proportionately to such increase in salary, it being the intention of this Act to provide that the total salary paid by the State and the expense money paid by the counties hereunder to said Circuit Judge shall at no time exceed the sum of Five Thousand Two Hundred (\$5,200.00) dollars per annum.

SECTION FOUR. This Act shall become effective upon its passage and approval, and all laws and parts of laws in conflict herewith are hereby repealed.

STATE OF ALABAMA }
BALDWIN COUNTY }

Personally appeared before me, a Notary Public, in and for said State and County, R. B. Vail, who, being by me first duly sworn, deposes and says that he is Publisher of The Baldwin Times, a newspaper published in Bay Minette, Alabama, in Baldwin County, and that the attached notice was published for four consecutive weeks in said newspaper commencing on the 16 day of January, 1936, and ending on the 6 day of February, 1936.

R. B. VAIL,
Publisher.

Sworn to and subscribed before me this the 10 day of February, 1936.

(Seal) H. M. HALL,
Notary Public, Baldwin County, Ala.

NOTICE

Notice is hereby given of intention to apply to the next Special Session of the Legislature of Alabama of a Local Law in substance as follows:

A BILL TO BE ENTITLED AN ACT

To authorize and empower the governing bodies of each of the several counties composing the Twenty-first Judicial Circuit of Alabama, namely, the counties of Baldwin, Conecuh, Escambia and Monroe, by resolution duly adopted and entered of record on the Minutes of said governing bodies, or either of them, to pay to the Circuit Judge of said Circuit the sum of Twenty-five Dollars (\$25.00) per month, per county; said sums, when so paid by each of said counties, to be in lieu of all expenses now allowed by law to said Circuit Judge while in his own Circuit.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section One. That from and after the passage of this Act each of the several governing bodies of the several counties composing the Twenty-first Judicial Circuit of Alabama, namely, the counties of Baldwin, Conecuh, Escambia and Monroe, are severally authorized and empowered by resolution duly adopted and entered of record on the Minutes of said governing bodies, or either of them, to pay to the Circuit Judge of said Circuit the sum of Twenty-five Dollars (\$25.00) per month, per county, as expense money for the conduct of his office.

Section Two. That said sum of Twenty-five Dollars (\$25.00) per month, per county, when authorized by the governing bodies of said counties, or either of them, shall be paid monthly out of the County Treasury of said county, or counties, so authorizing such payment as herein provided, upon the warrant of the said Circuit Judge, such warrant to be paid as other expenses of the Courts are paid; the said sums, when so paid by each of said counties, shall be in lieu of all other expenses now allowed by law to be paid said Circuit Judge while in his own Circuit.

Section Three. In the event the salary paid said circuit judge by the State of Alabama shall at any time be increased above that which said circuit judge is now receiving, the amount paid monthly by each of said counties under this Act shall be reduced proportionately to such increase in salary, it being the intention of this Act to provide that the total salary paid

by the State and the expense money paid by the counties hereunder to said circuit judge shall at no time exceed the sum of Five Thousand Two Hundred Dollars (\$5200.00) per annum.

Section Four. This Act shall become effective upon its passage and approval, and all laws and parts of laws in conflict herewith are hereby repealed.

PROOF OF PUBLICATION

State of Alabama, Escambia County:

I, W. E. Brooks, publisher of The Brewton Standard, a weekly newspaper published at Brewton, in said county and state, hereby state under oath that the annexed printed clipping was taken from one of the original issues of said publication and that the words and figures embraced therein appeared in said newspaper for 4 consecutive weeks on the following dates, to-wit: Jan. 16th, 1936; Jan. 23rd, 1936; Jan. 30th, 1936; Feb. 6th, 1936.

W. E. BROOKS.

Sworn to and subscribed before me this 10th day of February, 1936

J. F. SMITH,

(Seal)

Circuit Clerk, Escambia County, Ala.

NOTICE

Notice is hereby given of intention to apply to the next Special Session of the Legislature of Alabama of a Local Law in substance as follows:

A BILL TO BE ENTITLED AN ACT

To authorize and empower the governing bodies of each of the several counties composing the Twenty-first Judicial Circuit of Alabama, namely, the counties of Baldwin, Conecuh, Escambia and Monroe, by resolution duly adopted and entered of record on the Minutes of said governing bodies, or either of them, to pay to the Circuit Judge of said Circuit the sum of Twenty-five Dollars (\$25.00) per month, per county; said sums, when so paid by each of said counties, to be in lieu of all expenses now allowed by law to said Circuit Judge while in his own Circuit.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section One. That from and after the passage of this Act each of the several governing bodies of the several counties composing the Twenty-first Judicial Circuit of Alabama, namely, the counties of Baldwin, Conecuh, Escambia and Monroe, are severally authorized and empowered, by resolution duly adopted and entered of record on the Minutes of said governing bodies, or either of them, to pay to the Circuit Judge of said Circuit the sum of Twenty-five Dollars (\$25.00) per month, per county, as expense money for the conduct of his office.

Section Two. That said sum of Twenty-five Dollars (\$25.00) per month, per county, when authorized by the governing bodies of said counties, or either of them, shall be paid monthly out of the County Treasury of said county, or counties, so authorizing such payment as herein provided, upon the warrant of the said Circuit Judge, such warrant to be paid as other expenses of the Courts are paid; the said sums, when so paid by each of said

counties, shall be in lieu of all other expenses now allowed by law to be paid said Circuit Judge while in his own Circuit.

Section Three. In the event the salary paid said Circuit Judge by the State of Alabama shall at any time be increased above that which said Circuit Judge is now receiving, the amount paid monthly by each of said counties under this Act shall be reduced proportionately to such increase in salary, it being the intention of this Act to provide that the total salary paid by the State and the expense money paid by the counties hereunder to said Circuit Judge shall at no time exceed the sum of Five Thousand Two Hundred (\$5200.00) dollars per annum.

Section Four. This Act shall become effective upon its passage and approval, and all laws and parts of laws in conflict herewith are hereby repealed.

STATE OF ALABAMA }
CONECUH COUNTY }

Personally appeared before me, a Notary Public in and for said State and County, R. G. Bozeman who, being by me duly sworn, deposes and says that he is published of The Evergreen Courant, a newspaper published in Evergreen, in Conecuh County, Alabama, and that the attached notice was published for four consecutive weeks in said newspaper commencing on the 16th day of Jan. 1936, and ending on the 6th day of Feb. 1936.

R. G. BOZEMAN,
Publisher.

Sworn to and subscribed before me this the 7th day of February, 1936.

(Seal) J. KELLY,
Notary Public.

PUBLISHER'S AFFIDAVIT

STATE OF ALABAMA,
MONROE COUNTY

Before me, Loxley L. Dees, a Notary Public in and for said County in said State personally appeared E. M. Salter, who is known to me, and who, being duly sworn, deposes and says:

That he is Business Manager of The Monroe Journal Company, publisher of The Monroe Journal, a newspaper published weekly at Monroeville, in Monroe County, Alabama, and that the following notice, to-wit:

NOTICE

Notice is hereby given of intention to apply to the next Special Session of the Legislature of Alabama of a Local Law in substance as follows:

A BILL TO BE ENTITLED AN ACT

To authorize and empower the governing bodies of each of the several counties composing the Twenty-first Judicial Circuit of Alabama, namely, the counties of Baldwin, Conecuh, Escambia and Monroe, by resolution duly adopted and entered of record on the minutes of said governing bodies, or either of them, to pay to the Circuit Judge of said Circuit the sum of Twen-

ty-five Dollars (\$25.00) per month, per county; said sums, when so paid by each of said counties, to be in lieu of all expenses now allowed by law to said Circuit Judge while in his own Circuit.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION ONE:

That from and after the passage of this Act each of the several governing bodies of the several counties composing the Twenty-first Judicial Circuit of Alabama, namely, the counties of Baldwin, Conecuh, Escambia and Monroe, are severally authorized and empowered, by resolution duly adopted and entered of record on the Minutes of said governing bodies, or either of them, to pay to the Circuit Judge of said circuit the sum of Twenty-five Dollars (\$25.00) per month, per county, as expense money for the conduct of his office.

SECTION TWO.

That said sum of Twenty-five Dollars (\$25.00) per month, per county, when authorized by the governing bodies of said counties, or either of them, shall be paid monthly out of the County Treasury of said county, or counties, so authorizing such payment as herein provided, upon the warrant of the said Circuit Judge, such warrant to be paid as other expenses of the Courts are paid; the said sums, when so paid by each of said counties, shall be in lieu of all other expenses now allowed by law to be paid said Circuit Judge while in his own Circuit.

SECTION THREE:

In the event the salary paid said Circuit Judge by the State of Alabama shall at any time be increased above that which said Circuit Judge is now receiving, the amount paid monthly by each of said counties under this Act shall be reduced porportionately to such increase in salary it being the intention of this Act to provide that the total salary paid by the State and the expense money paid by the counties hereunder to said Circuit Judge shall at no time exceed the sum of Five Thousand Two Hundred Dollars (\$5,200.00) per annum.

SECTION FOUR:

This Act shall become effective upon its passage and approval, and all laws and parts of laws in conflict herewith are hereby repealed. was published in said newspaper once a week for 4 successive weeks, said notice appearing in the following issues: Jan. 16, 1936 to Feb. 6, 1936, inclusive.

E. M. SALTER.

Sworn to and subscribed before me this 8 day of Feb. 1936.

LOXLEY L. DEES,

(Seal)

Notary Public, Monroe County, Ala.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bill, the title to which is set out in the above and foregoing Message from the Senate, was read one time and referred to the Standing Committee on Local Legislation No. One.

BILLS ON THIRD READING

H. 135. To amend an Act of the Legislature of Alabama approved August 4, 1931 entitled, "An Act to provide for the government and control by civil service regulations of the police department and fire department in cities of the State of Alabama operating under the commission form of government and which now have or which may hereafter have a population of as much as twenty four thousand and less than fifty thousand people, according to the latest or any succeeding Federal Census; to provide for a civil service board in such cities and fix their duties, authorities, powers, and compensation" so as to require all members of the police department in said cities to enter into bond conditioned for the faithful and proper performance of their duties as policemen before entering upon their duties, and to provide further that their appointment shall be revoked by the civil service board upon their failure to enter into such bond within ten days after said appointment.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Delony	Jones	Quarles
Adams	Denson	Kelly	Rayburn
Almon	Dominick	Kirby	Reeder
Arnold	Doster	Lee (Bullock)	Reynolds
Austin	Douglass	Long	Sanford
Blann	Glover	Lusk	Sightler
Boswell	Goolsby	Miles	Spence
Bridges	Haley	Moore	Steele
Britton	Hall	McDermott	Street
Bulger	Hanks	McGowin	Taylor
Byars	Hare	McPhaul	Terry
Calhoun	Heflin	Norman (Bullock)	Todd
Carter	Hendley	O'Neal	Tolbert
Connor	Henson	Owen (Etowah)	Waldrep
Cook	Hill	Poole	Welch
Cox	Hodges	Propst	Whigham
Davis	Hollis		

—66

H. 117. To amend Section 2 of an Act "To provide that all cities in Alabama which now have or may hereafter have a population of as much as twenty-four thousand and less than forty thousand according to the last Federal Census, or any such census which may hereafter be taken, shall be known and designated as Class "D" cities; to provide and create a Commission form of municipal government and to establish the same in all Class 'D' cities of Alabama as herein defined; to abolish the offices of Mayor and

Aldermen and otherwise provide for the creation and maintenance of said commission form of government; to provide for the selection and election of a chairman and two associate commissioners in lieu of mayor and aldermen; to prescribe limitations and qualifications for officers and employees and penalties for violation of the provisions of this Act. To Fix the Duties, powers and Compensation of the Board of Commissioners,—“approved March 6, 1931.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Delony	Jones	Quarles
Adams	Denson	Kelly	Rayburn
Almon	Dominick	Kirby	Reeder
Arnold	Doster	Lee (Bullock)	Reynolds
Austin	Douglass	Long	Sanford
Blann	Glover	Lusk	Sightler
Boswell	Goolsby	Miles	Spence
Bridges	Haley	Moore	Steele
Britton	Hall	McDermott	Street
Bulger	Hanks	McGowin	Taylor
Byars	Hare	McPhaul	Terry
Cainoun	Heflin	Norman (Bullock)	Todd
Carter	Hendley	O'Neal	Tolbert
Connor	Henson	Owen (Etowah)	Waldrep
Cook	Hill	Poole	Welch
Cox	Hodges	Propst	Whigham
Davis	Hollis		

—66

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 93. To amend Section 4 of the Act entitled “An Act to provide for the consolidation of the administration and control of the public school systems in any county of not less than seventy-five thousand nor more than one hundred thousand population according to the last or any succeeding Federal Census; to establish a Board of Education in lieu of all other city and county boards of Education in such counties, and provide for the manner of its selection and define its authority,” approved September 6, 1927, as heretofore amended by Acts approved March 5, 1931, July 8, 1931, and July 11, 1935” so as to confer additional powers upon the Boards of Education established by said Act and to validate purchases of property heretofore made and contracts of employment

heretofore entered into and warrants heretofore issued by said Board.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 1. To require the Court of County Commissioners of Chilton County, Alabama, before making any purchase of goods, wares, merchandise, machinery or supplies, for or on behalf of Chilton County, to advertise for and obtain competitive bids for the purchase of such goods, wares, merchandise, machinery or supplies in all cases where the amount of such purchase exceeds the sum of \$150.00 and to provide for the manner of giving notice of the time and place for receiving such bids, and providing the penalty for the non-compliance with the terms of this act and to require the acceptance of the lowest and best competitive bid for any such purchase.

H. 2. To fix and determine the amount of compensation to be paid to the Members of the Court of County Commissioners of Chilton County, Alabama who are elected in the General election held in 1936 and each election thereafter and to provide the manner of the payment thereof.

H. 3. To further provide for the control, making maintenance, building and improvement of the public roads and bridges of Chilton County, Alabama; to create the office of road supervisor for said County; to provide for his election or appointment, discharge and removal; to provide for his appointment in the event the Court of County Commissioners fail to elect; to fix his qualifications and prescribe his duties, power and authority; to provide for the manner of allowance and payment of claims against the County approved by him; to fix his compensation and expenses and manner of payment; to fix his bond and to provide for the approval of same and for the payment of the premium thereon by the County, to provide when this Act shall take effect; to provide that any section or provision of this Act being held invalid shall not affect the validity of any other section or provision; and the repeal of all laws or parts of laws in conflict with the provision of this Act, insofar as they apply to Chilton County, Alabama.

H. 40. To authorize and empower cities of more than twenty five hundred population, according to the last Federal Census,

where no City Board of Education exists, to sell and dispose of property formerly owned and used for educational purposes but which is no longer used or useful for educational purposes.

J. E. Speight,
Secretary.

ADJOURNMENT

On motion of Mr. Poole the House adjourned until Tuesday, March 3, 1936, at 10 o'clock A.M.

SEVENTH DAY

House of Representatives,

Tuesday, March 3, 1936.

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Representative J. R. Todd of Jefferson County.

ROLL CALL

On a call of the roll of the House the following members answered to their names:

Messrs.:

Mr. Speaker
Adams
Almon
Arnold
Bateman
Blann
Boswell
Braswell
Britton
Buffington
Bulger
Byars
Calhoun
Carter
Castleberry
Chichester
Connor

Cook
Cox
Davis
Delony
Denson
De Vane
Dominick
Doster
Douglass
Glover
Goodwyn
Goolsby
Hamner
Hanks
Hare
Harrison
Hefflin

Hendley
Henson
Hill
Hodges
Hollis
Jones
Kelly
Kirby
Lee (Monroe)
Livingston
Long
Lusk
Matthews
Merrill
Miller
Moore
McDermott

McGowin
McPhaul
Norman (Bullock)
Norman (Lowndes)
Owen (Etowah)
Owens (Madison)
Parish (Henry)
Parish (Pike)
Petrey
Poole
Propst
Quarles
Rayburn
Reeder
Reynolds
Robertson (Cullman)
Robinson (Lowndes)

Sanderson
Shaver
Shipman
Sightler
Spence
Staples

Steele
Street
Taylor
Terry
Tidmore

Todd
Tolbert
Tompkins
Toomer
Waldrep

Wallace
Welch
Whigham
Williams
Wright

—89

A quorum was present.

REPORT OF STANDING COMMITTEE ON REVISION OF JOURNAL

Mr. Speaker:

Your Standing Committee on the Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the House for the Sixth Legislative Day and finds same correct.

R. L. Tolbert,
Vice-Chairman.

The report of the Standing Committee on the Revision of the Journal was concurred in and adopted and the Journal of the House for the Sixth Legislative Day was approved.

REPORT OF STANDING COMMITTEE ON ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Enrolled Bills reports that it has examined the following House bills, and finds same correctly enrolled, to-wit:

H. 1. To require the Court of County Commissioners of Chilton County, Alabama, before making any purchase of goods, wares, merchandise, machinery or supplies, for or on behalf of Chilton County, to advertise for and obtain competitive bids for the purchase of such goods, wares, merchandise, machinery or supplies in all cases where the amount of such purchase exceeds the sum of \$150.00 and to provide for the manner of giving notice of the time and place for receiving such bids, and providing the penalty for the non-compliance with the terms of this act and to require the acceptance of the lowest and best competitive bid for any such purchase.

Also:

H. 2. To fix and determine the amount of compensation to be paid to the Members of the Court of County Commissioners of Chilton County, Alabama who are elected in the General Election held in 1936 and each election thereafter and to provide the manner of the payment thereof.

Also:

H. 3. To further provide for the control, making, maintenance, building and improvement of the public roads and bridges of Chilton County, Alabama; to create the office of road supervisor for said County; to provide for his election or appointment, discharge and removal; to provide for his appointment in the event the Court of County Commissioners fail to elect; to fix his qualifications and prescribe his duties, power and authority; to provide for the manner of allowance and payment of claims against the County approved by him; to fix his compensation and expenses and manner of payment; to fix his bond and to provide for the approval of same and for the payment of the premium thereon by the County, to provide when this Act shall take effect; to provide that any section or provision of this Act being held invalid shall not affect the validity of any other section or provision; and the repeal of all laws or parts of laws in conflict with the provision of this Act, insofar as they apply to Chilton County, Alabama.

Also:

H. 40. To authorize and empower cities of more than twenty five hundred population, according to the last Federal Census, where no City Board of Education exists, to sell and dispose of property formerly owned and used for educational purposes but which is no longer used or useful for educational purposes.

Also:

H. 93. To Amend Section 4 of the Act entitled "An Act to provide for the consolidation of the Administration and control of the public school systems in any county of not less than seventy five thousand nor more than one hundred thousand population according to the last or any succeeding Federal Census; to establish a Board of Education in lieu of all other city and county boards of Education in such counties, and provide for the manner of its selection and define its authority," Approved September 6, 1927, as heretofore amended by Acts approved March 5, 1931, July 8, 1931 and July 11, 1935," so as to confer additional powers upon the Boards of Education established by said Act and to validate purchases of property heretofore made and contracts of employment heretofore entered into and warrants heretofore issued by said Board.

Dan Gullett, Cook,
Chairman.

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds

vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

REPORT OF STANDING COMMITTEE ON ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed Bills begs leave to report that said committee, in session, has compared the following engrossed bills with the original bills and finds same correctly engrossed, to-wit:

H. 25. To amend Section 291 of an Act entitled, "An Act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

Also:

H. 26. To amend Section 12 of an act entitled, "An Act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

Also:

H. 58. To define turpentine gum (oleoresin) and the products as processed therefrom by the original producer as agricultural commodities and agricultural farm products.

Also:

H. 77. To amend Section 6672 of the 1923 Code of Alabama.

Also:

H. 79. To place the duty upon each Circuit Solicitor having a county or counties within his circuit with a population of 300,000 or more according to the last or any subsequent Federal Census, to represent the State in the Court of Appeals of Alabama and in the Supreme Court of Alabama, in all criminal cases appealed from the circuit court in such county or counties having a population of 300,000 or more according to the last or any subsequent Federal Census.

Also:

H. 82. To provide for and regulate the service of persons summoned for jury duty in the circuit courts in counties having a population of 300,000 or more according to the last or any subsequent Federal Census; and without limiting or derogating from the generality and comprehensiveness of the foregoing portion of this title, to regulate the excusing of persons summoned for jury service in such courts in such counties, and to provide for the performance of jury duty by persons summoned for such duty at a time subsequent to that for which they were originally summoned; and to provide for the fees of persons summoned for jury duty who are excused and required to perform jury duty at such subsequent time.

Also:

H. 117. To amend Section 2 of an Act "To provide that all cities in Alabama which now have or may hereafter have a population of as much as twenty-four thousand and less than forty thousand according to the last Federal Census, or any such census which may hereafter be taken, shall be known and designated as Class 'D' cities; to provide and create a Commission form of municipal government and to establish the same in all Class 'D' cities of Alabama as herein defined; to abolish the offices of Mayor and Aldermen and otherwise provide for the creation and maintenance of said commission form of government; to provide for the selection and election of a chairman and two associate commissioners in lieu of mayor and aldermen; to prescribe limitations and qualifications for officers and employees and penalties for violation of the provisions of this Act. To Fix the Duties, powers and Compensation of the Board of Commissioners,—“approved March 6, 1931.

Also:

H. 118. To amend Sections 7547, 7551, 7552, 7554, 7556, 7557, 7558, 7560, 7563, 7567, and 7596 of the Code of Alabama of 1923, and to repeal Section 7562 of said Code.

Also:

H. 135. To amend an Act of the Legislature of Alabama approved August 4, 1931 entitled, "An Act to provide for the government and control by civil service regulations of the police department and fire department in cities of the State of Alabama operating under the commission form of government and which now have or which may hereafter have a population of as much as twenty four thousand and less than fifty thousand people, according to the latest or any succeeding Federal Census; to provide for a civil service board in such cities and fix their duties, authorities, powers, and compensation" so as to require all members of the police department in said cities to enter into bond conditioned for the faithful and proper performance of their duties as policemen before entering upon their duties, and to provide further that their appointment shall be revoked by the civil service board upon their failure to enter into such bond within ten days after said appointment.

M. P. Kelly,
Chairman.

The report of the Standing Committee on Engrossed Bills was concurred in and adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following bills and ordered same sent forthwith to the House without engrossment. By Mr. Thomas (with notice and proof):

S. 29. To require the Court of County Commissioners, or like governing body of Chilton County, to appropriate annually out of the general fund of the County a sum not less than Three Thousand (\$3,000.00) Dollars; such sum to be a preferred claim and payable to the budget of the Chilton County Health Department for the establishment, maintenance and operation of a health department in said county.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

STATE OF ALABAMA,
CHILTON COUNTY.

Notice is hereby given that a Bill will be introduced and its enactment sought, at the 1936 extraordinary session of the Legislature of Alabama, which Bill is in substance, as follows, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To require the Court of County Commissioners, or like governing body of Chilton County, to appropriate annually out of the general fund of the County a sum not less than Three Thousand (\$3,000.00) Dollars; such sum to be preferred claim and payable to the budget of the Chilton County Health Department for the establishment maintenance and operation of a health department in said county.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the Court of County Commissioners, or like governing body, of Chilton County shall appropriate annually a sum not less than Three Thousand (\$3,000.00) Dollars, which shall be used for the purpose of establishing, maintaining and operating a health department in the county; said funds to be a preferred claim on the general fund of the county and payable in monthly installments to the budget of the Chilton County Health Department, and shall be paid out, by or under the direction of the State Board of Health, as other claims are paid out of said budget.

Section 2. All laws or parts of laws, both local and general, in conflict with the provisions of this Act are hereby repealed insofar as they relate to Chilton County.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor.

EARLE THOMAS,
C. B. COX.

PUBLISHER'S AFFIVADIT

STATE OF ALABAMA,
CHILTON COUNTY:

Before me, the undersigned Notary Public in and for said State and County, personally appeared Billy Smith, who being duly sworn states that he is the Publisher of the Chilton County News, a newspaper published in said county and state and that the attached "Notice of Local Bill" was published in said newspaper for four consecutive issues, dated January 23, 1936; January 30, 1936; February 6, 1936 and February 20, 1936.

BILLY SMITH,
Publisher.

Sworn and subscribed to before me this the 18th day of February, 1936.

W. L. SMITH,
Notary Public.

By Mr. Thomas (with notice and proof):

S. 30. To require the Court of County Commissioners or like governing body of Chilton County Alabama to establish and make payment of an Agricultural Fund for the purpose of paying salaries and travel of a County agricultural Agent, County Home Demonstration Agent, an Assistant County Agricultural Agent in 4-H club work and the salary of a Clerical Assistant to provide for the appointment and duties of a County Agricultural Agent, a County Home Demonstration Agent, an Assistant County Agricultural Agent in 4-H Club work, and a Clerical Assistant to provide necessary expenses to provide out of what funds and in what order of preference said Agricultural Fund shall be paid, to provide when this act shall take effect.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA,
CHILTON COUNTY.

Notice is hereby given that a Bill will be introduced and its enactment sought, at the extraordinary session of the Legislature of Alabama to be called in 1936, which Bill is in substance, as follows, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To require the Court of County Commissioners or like governing body of Chilton County Alabama to establish and make payment of an Agricultural Fund for the purpose of paying salaries and travel of a County agricultural Agent, County Home Demonstration Agent, an Assistant County Agricultural Agent in 4-H club work and the salary of a Clerical Assistant to provide for the appointment and duties of a County Agricultural Agent, a County Home Demonstration Agent, an Assistant County Agricultural Agent in 4-H club work, and a Clerical Assistant to provide necessary expenses to provide out of what funds and in what order of preference said Agricultural Fund shall be paid, to provide when this act shall take effect.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The County of Chilton is hereby required to maintain an Agricultural Fund for Chilton County Alabama for the purpose of paying the salaries and travel expenses of a County Agricultural Agent, A County Home Demonstration Agent, an Assistant County Agricultural Agent in 4-H club work and the salary of a Clerical Assistant.

Section 2. Said County Agricultural Agent, County Home Demonstration Agent, Assistant County Agricultural Agent in 4-H club work and Clerical Assistant shall be appointed and the salary and or travel expenses of each shall be determined by the Court of County Commissioners or like governing body of Chilton County Alabama in cooperation with the Extension Service created under an Act of The United States Congress approved May 8, 1914, and generally known as the Smith-Lever Act for Extension Work in Agriculture and Home Economics.

Section 3. Said County Agricultural Agent, County Home Demonstration Agent, Assistant County Agricultural Agent in 4-H club work and Clerical Assistant shall perform the duties of the County Agricultural Agent, County Home Demonstration Agent, Assistant County Agricultural Agent in 4-H club work and Clerical Assistant for Chilton County under the direction and supervision of the Alabama Extension Service.

Section 4. The Court of County Commissioners or like governing body of Chilton County, Alabama, shall fix said Agricultural Fund at not less than \$4,300.00 per annum, payable in monthly installments, which amount may be changed at any time provided that the minimum shall always be \$4,300.00 and such fund shall be paid out of the General funds of Chilton County Alabama and be payable in monthly installments to the County Agricultural Agent, County Home Demonstration Agent, Assistant County Agricultural Agent in 4-H club work and Clerical Assistant upon warrant duly drawn by the Court of County Commissioners or like governing body of Chilton County Alabama, and shall have a preferred claim against the general funds of Chilton County Alabama, and shall have the same preference of payment as services performed by the Court of County Commissioners or like governing body of Chilton County Alabama, may have at the time any such warrants are drawn and presented for payment.

Section 5. Warrants shall be drawn by the Court of County Commissioners or like governing body of Chilton County Alabama, for salaries and travel of the County Agricultural Agent, County Home Demonstration Agent, Assistant County Agricultural Agent in 4-H club work and the salary of the Clerical Assistant upon the certification of the Alabama Extension Service that services have been performed, and shall have the same preference of payment as set forth in section 4 of this Act.

Section 6. The Court of County Commissioners or like governing body of Chilton County Alabama, shall provide adequate office space, office and field equipment, supplies, water, heat, lights, telephone rental and toll charges, telegraph charges, janitor hire and such other miscellaneous expenditures as may be necessary for the successful carrying out of the provisions of this Act for each said employee and pay therefor by warrants duly drawn by the Court of County Commissioners of Chilton County Alabama, against the general funds of Chilton County Alabama.

Section 7. The Provisions of this Act shall become effective immediately upon its passage by the Legislature and approval by the Governor of Alabama.

Section 8. All laws and parts of laws in conflict with this Act are hereby repealed in so far as they apply to Chilton County, Alabama.

Section 9. In the event any part of this Act is declared invalid or unconstitutional the remaining parts shall remain in full force.

EARLE THOMAS,
Senator.
C. B. COX,
Representative.

PUBLISHER'S AFFIDAVIT

STATE OF ALABAMA
CHILTON COUNTY:

Before me, the undersigned Notary Public in and for said State and County, personally appeared Billy Smith, who being duly sworn states that he is the Publisher of the Chilton County News, a newspaper published in said county and state and that the attached "Notice of Local Bill" was published in said newspaper for four consecutive issues, dated January 23, 1936; January 30, 1936; February 6, 1936 and February 13, 1936.

BILLY SMITH,
Publisher.

Sworn and subscribed to before me this the 13th day of February, 1936

W. L. SMITH,
Notary Public.

Also:

By Mr. Chesnut (with notice and proof):

S. 45. To authorize, permit and empower the Court of County Commissioners of Cherokee County, Alabama, or any like governing body of said County to appropriate ten (10%) per centum of all funds derived from the excise tax on gasoline or other liquid motor fuels, heretofore levied or that may hereafter be collected by the State of Alabama, and paid to the several Counties of this State, coming to the Legislature of Alabama, such appropriation to be paid monthly into the General Funds of Cherokee County, Alabama, and to be used in the payment of any and all claims payable out of the General Funds of Cherokee County, Alabama, and to continue such appropriation until October 1st, 1938, for the use and benefit of the General Funds of Cherokee County, Alabama; to repeal all laws or parts of laws in conflict with the provisions of this Act, and to provide when the provisions of this Act shall go into effect.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that the following Local Bill will be introduced at the Extra session of the Legislature of Alabama, viz:

A BILL
TO BE ENTITLED
AN ACT

To authorize, permit and empower the Court of County Commissioners of Cherokee County, Alabama, or any like governing body of said County to appropriate ten (10%) per centum of all funds derived from the excise tax on gasoline or other liquid motor fuels, heretofore levied or that may hereafter be collected by the State of Alabama and paid to the several Counties of this State, coming to the Legislature of Alabama, such appropriation to be paid monthly into the General Funds of Cherokee County, Alabama, and to be used in the payment of any and all claims payable out of the General Funds of Cherokee County, Alabama, and to continue such appropriation until October 1st, 1938, for the use and benefit of the General Funds of Cherokee County, Alabama; to repeal all Laws or parts of Laws in conflict with the provisions of this Act, and to provide when the provisions of this Act shall go into effect.

Be it enacted by the Legislature of Alabama:

Section One—The Commissioners Court of Cherokee County, Alabama, or similar governing body of said County, is hereby authorized, empowered and permitted to appropriate ten (10%) per centum of all funds derived and received now or hereafter by Cherokee County, Alabama, from the State of Alabama from the excise tax or any other tax on gasoline or other liquid motor fuel, levied and collected by the State of Alabama for the use and benefit of the several counties of this state, to the General Funds of said Cherokee County, Alabama, until October 1st, 1938. The appropriation herein provided for shall be paid monthly, as such funds are received by the County, into the General Funds of Cherokee County, Alabama, and shall be paid out as are the other such General Funds of said County paid.

Section Two—At the first meeting of the Commissioners Court or like governing body of Cherokee County, Alabama, after the passage and approval of this Act, and the receipt from the State of the monthly payment to Cherokee County, Alabama, of the sum from such excise tax on gasoline or other liquid motor fuel, such Commissioners Court or like governing body of Cherokee County, Alabama, shall order warrant be drawn on said special fund in the sum of ten (10%) per centum of the amount received by Cherokee County, Alabama, and it shall be the duty of the Probate Judge to draw warrant for said amount, payable to the General Fund of Cherokee County, Alabama, and deliver the same to the County Depository for deposit in said General Fund.

Section Three—The provisions of this Act shall go into effect on its passage and approval by the Governor. Should any section, clause or provision of this Act be declared unconstitutional by any Court of competent jurisdiction, then the remaining parts shall remain in full force and effect.

Section Four—All laws, parts of law, local or general, in conflict with the provisions of this Act are hereby expressly repealed.

THE STATE OF ALABAMA,
CHEROKEE COUNTY.

Before me, E. S. Johnson, Clerk of the Circuit Court in and for said County and State, personally appeared T. H. Shropshire, who is known to me and who being by me first duly sworn on oath deposes and says:

That he is the Editor and Publisher of The Coosa River News, a newspaper which is published at Center in Cherokee County, Alabama, and that the attached notice of Local Bill to be introduced at the Extra Session of the Legislature of Alabama, was published for four consecutive weeks in

The Coosa River News, viz: In the January 17th, January 24th and January 31st, and February 7th, 1936, issues.

T. H. SHROPSHIRE,
Editor of The Coosa River News.

Sworn to and subscribed before me this February 17, 1936.

(Seal)

E. S. JOHNSON,
Clerk of the Circuit Court.

Also:

By Mr. Walton:

S. 4. To amend an Act entitled an Act to amend Section 1255 of the Code of Alabama, 1923, approved July 22, 1931.

Also:

By Mr. Starnes:

S. 49. To amend Sections 7547, 7551, 7552, 7554, 7556, 7557, 7558, 7560, 7563, 7567, and 7596 of the Code of Alabama of 1923, and to repeal Section 7562 of said Code.

Also:

By Mr. Russell:

S. 19. To further provide for and regulate the selection of candidates for public office by political parties.

Also:

By Mr. Russell:

S. 18. To further provide for and regulate the election of delegates to political party conventions.

Also:

By Mr. Simpson:

S. 52. To amend an Act, entitled "An Act to promote the objects of the National Housing Act by authorizing banks, savings banks, trust companies, insurance companies and building and loan associations to make loans pursuant to Titles I and II of the National Housing Act, and by authorizing banks, savings banks, trust companies, insurance companies, building and loan associations, to invest in mortgages insured, and in debentures issued, by the Federal Housing Administrator, and to invest in securities of National Mortgage Associations," approved January 31, 1935, as amended by an Act approved August 15, 1935, by adding thereto a section making loans insured under Title II of the National Housing Act eligible for deposit where securities must be, or may be, deposited pursuant to any law of the State of Alabama.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

Local Legislation No. One—S. 29, S. 30, S. 45.

Judiciary—S. 4, S. 49.

Privileges and Elections—S. 19, S. 18.

Banks and Banking—S. 52.

RESOLUTION

Mr. Wallace offered the following joint resolution:

By Mr. Wallace:

H. J. R. 20. Regarding Federal Aid for Highways—Four Year Plan.

WHEREAS, the ever increasing use of highways as a means of transportation necessitates the extension of highway facilities and the modernization of existing highways; and

WHEREAS, the Federal Government has for many years extended aid to the States in the development and improvement of highways; and

WHEREAS, the maintenance of construction programs on an even keel and the avoidance of delays in undertaking such programs may be accomplished only by adequate advance planning based upon a definite knowledge of future availability of funds; and

WHEREAS, the Bureau of Public Roads as a most efficient Governmental agency directing the improvement of highways by the States insures the economic expenditure of such funds as may be appropriated, thus serving the twofold purpose of sound investment and unemployment relief;

NOW, THEREFORE BE IT RESOLVED, That the Alabama State Legislature now assembled in session at Montgomery, Alabama, petition the President of the United States and the second session of the Seventy-Fourth Congress of the United States to provide authorization for the unbroken continuance of regular Federal aid to the States for highway construction for a period of not less than four years in amounts of not less than one hundred twenty-five million dollars for each fiscal year, together with adequate authorization for each fiscal year for forest highways, roads and trails, roads through public lands and other Federal reservations, roads in national parks, and Indian reservation roads in order that proper plans may be matured for the prompt, efficient, and economical usage of such;

BE IT FURTHER RESOLVED, that a copy of this joint resolution be sent to each Senator and Representative from Alabama, now assembled in the United States Congress at Washington, D. C.

On motion of Mr. Wallace the rules were suspended and the resolution, H. J. R. 20, was adopted.

INTRODUCTION OF BILLS

On a call of counties, bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Hodges (with notice and proof):

H. 181. To provide for the election of three school trustees for each school in Fayette County, Alabama, and to prescribe their authority and duties.

Local Legislation No. One.

Notice and proof H. 181:

The Fayette County Board of Education have endorsed a local bill to be introduced in the Legislature to provide for the election of three school trustees from each school every two years. Following is a copy of the bill to be presented.

AN ACT

To provide for the election of three school trustees for each school in Fayette County, Alabama, and to prescribe their authority and duties.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That on the first Saturday in April, 1936, and on the first Saturday in March every two years thereafter, three School Trustees shall be elected by the patrons of each school in Fayette County, Alabama. The County Superintendent of Education shall appoint three managers to hold the election at each school, who shall conduct the election in accordance with regulations prepared by the County Superintendent of Education, and by the County Board of Education. The results of said election shall be reported to the County Superintendent of Education on certificates signed by the managers of said election; provided, however, that this Act shall not apply to cities or towns in said County having city or town Boards of Education.

Section 2. That the Trustees elected under provisions of this Act, except as otherwise provided by law, shall have charge of the school buildings and grounds and shall advise with and cooperate with the County Board of Education in all matters relating to the general welfare of the school. The trustees so elected shall have the right, by unanimous vote, within fifteen days after the date of the Superintendent's notice of assignment, to refuse to accept the assignment of any teacher upon written notification to the County Superintendent of Education setting out the reason or reasons for such refusal. The Trustees so elected under this Act shall take office on Tuesday following the election.

Section 3. That whenever a vacancy occurs on the Board of School Trustees elected under the provisions of this Act, the same may be filled

by the County Board of Education. The County Board of Education may remove any School Trustee elected under the provisions of this Act for misconduct or wilful neglect of duties.

Section 4. That all laws, or parts of law, in conflict with the provisions of this Act, insofar as they relate to Fayette County, Alabama, be and the same are hereby repealed.

Section 5. The Trustees so elected shall be residents of the community served by the school, and shall be qualified voters of Fayette County, Alabama.

Section 6. Said Trustees shall serve without pay, and the managers holding the elections provided for in this Act shall also serve without pay.

Section 7. This Act shall become effective on its approval.
(4t.—Feb. 6-13-20-27).

PUBLISHER'S AFFIDAVIT

THE STATE OF ALABAMA, FAYETTE COUNTY.

Before me G. L. Smith, Notary Public in and for said County, in State aforesaid personally appeared W. B. Ford, Jr., who, being duly sworn, doth depose and say that he is publisher of THE NORTHWEST ALABAMIAN, a weekly newspaper published in the Town of Fayette, State and County aforesaid, and that a certain advertisement (a true copy of which is hereto attached) has been published in said newspaper for 4 consecutive weeks prior to the 28th day of February 1936, and the respective numbers and dates of said newspaper in which said publication was made are the following, to-wit:

- No. 1, the 6th day of February 1936.
- No. 2, the 13th day of February 1936.
- No. 3, the 20th day of February 1936.
- No. 4, the 27th day of February 1936.

W. B. FORD, JR.,
Publisher.
Sworn to and subscribed before me, this 28th day of February 1936.
G. L. SMITH,
Notary Public.

By Mr. Owens (Madison) (with notice and proof):

H. 182. To fix and regulate the fees of witnesses in criminal cases in the Circuit Court of Madison County, Alabama, and before the Grand Jury of said County; to provide for the presentation of claims for such fees, and to provide for the payment thereof; and to provide for the collection of witness fees and for the disposition of the same.

Local Legislation No. One.

Notice and proof H. 182:

NOTICE

Notice is hereby given that at any next regular or special session of the Legislature of Alabama, a bill will be introduced, which in substance will provide for fixing and regulating the fees of witnesses in criminal cases in the Circuit Court and before the Grand Jury of Madison County; to provide

for proving of attendance of witnesses subpoenaed on the part of the State to require such witness fees to be a preferred claim against the Fine and Forfeiture Fund to be paid upon presentment, and when such fund is exhausted such fees shall be paid out of the General Fund of said County, and to require payment of all witness fees collected by the Clerk into the General Fund of said County. The true intent and purpose of this Act being to pay the State witnesses cash for their attendance at the Court and to collect the fees now fixed by law for the benefit of the County Treasury.

STATE OF ALABAMA }
MADISON COUNTY }

Before me, W. P. Nicholson, a notary public in and for said state and county this day personally appeared Jack Langhorne, who being first duly sworn deposes and says he is business manager of The Huntsville Times, a newspaper of general circulation published in Huntsville, Madison County, Alabama; that the attached notice of local bill to be introduced for passage in the Legislature of Alabama was published in said newspaper once a week for four consecutive weeks, on February 5, 1936, February 12, 1936, February 19, 1936, and February 26, 1936.

(Signed)

JACK LANGHORNE,
Business Manager.

Sworn to and subscribed before me this the 26th day of February, 1936.

(Signed)

W. P. NICHOLSON,
Notary Public.

By Mr. Goodwyn:

H. 183. To authorize the Board of Revenue, County Commissioners or other like County authorities in counties having a population of not less than 75,000 nor more than 110,000 according to the last Federal Census, or any future Federal Census; to purchase and maintain a suitable automobile or automobile truck for the use of the Humane Officer of such county at the cost of said county.

Local Legislation No. One.

By Mr. Staples (with notice and proof):

H. 184. To authorize Mobile County, in the State of Alabama, to issue bonds from time to time, not exceeding in the aggregate \$1,600,000.00, which bonds, or the proceeds thereof, shall be used exclusively for paying valid and enforceable unbonded obligations of Mobile County, and unbonded obligations of Mobile County which would be valid and enforceable but for the provision or provisions of the Constitution of Alabama of 1901 fixing the debt limit of said county, and all past due interest and principal on any valid and enforceable bonded obligations of said county existing on September 30th, 1936; to provide the manner, method, interest rate, maturity, and all necessary details relative to the issuance and selling of such bonds and the retirement thereof; to provide for the manner and method of retiring the obligations which are to be refunded hereunder; to provide that the holder of any such unbonded obligation entitled to be refunded under this

act, existing on the 30th day of September, 1936, and not registered with the Treasurer of Mobile County, must present the same for registration to the Treasurer of Mobile County, on or before the 1st day of November, 1936, or the same shall not be entitled to the benefits of this act; to provide what notice shall be given to the holders of such unbonded and unregistered obligations existing on the 30th day of September, 1936; and to provide that the invalidity or unconstitutionality of any section, clause, or provision of this act shall not affect the validity or constitutionality of any other section, clause, or provision hereof; and to provide for the repeal of all laws or parts of laws, special, general, local, or private, in conflict with the provisions of this act."

Local Legislation No. One.

Notice and proof H. 184:

LEGAL NOTICES

NOTICE

Notice is hereby given that application will be made to the next special session of the Legislature of Alabama for the passage of a bill in substance as follows:

"A BILL TO BE ENTITLED

"An act to authorize Mobile County, in the State of Alabama, to issue bonds from time to time, not exceeding in the aggregate \$1,600,000.00, which bonds or the proceeds thereof, shall be used exclusively for paying valid and enforceable unbonded obligations of Mobile County, and unbonded obligations of Mobile County which would be valid and enforceable but for the provision or provisions of the Constitution of Alabama of 1901 fixing the debt limit of said county, and all past due interest and principal on any valid and enforceable bonded obligations of said County existing on September 30th, 1936; to provide the manner, method, interest rate, maturity, and all necessary details relative to the issuance and selling of such bonds and the retirement thereof; to provide for the manner and method of retiring the obligations which are to be refunded hereunder; to provide that the holder of any such unbonded obligation entitled to be refunded under this act, existing on the 30th day of September, 1936, and not registered with the Treasurer of Mobile County, must present the same for registration to the Treasurer of Mobile County, on or before the 1st day of November, 1936, or the same shall not be entitled to the benefits of this act to provide what notice shall be given to the holders of such unbonded and unregistered obligations existing on the 30th day of September, 1936; and to provide that the invalidity or unconstitutionality of any section, clause, or provision of this act shall not affect the validity or constitutionality of any other section, clause, or provision hereof; and to provide for the repeal of all laws or parts of laws, special, general, local, or private, in conflict with the provisions of this act."

Be It Enacted By the Legislature of Alabama

Section 1. Mobile County, in the State of Alabama, acting through its Board of Revenue and Road Commissioners, is hereby authorized to issue

bonds from time to time not exceeding in the aggregate \$1,600,000.00, which bonds, or the proceeds thereof, shall be used exclusively for paying valid and enforceable unbonded obligations of Mobile County, and unbonded obligations of Mobile County which would be valid and enforceable but for the provision or provisions of the Constitution of Alabama of 1901 fixing the debt limit of said county, and all past due interest and principal on any valid and enforceable bonded obligations of said county, existing on September 30th, 1936.

Section 2. The bonds hereby authorized shall be issued in such denominations and at such time or times and with such maturities and interest rates as may from time to time be determined by the said Board of Revenue and Road Commissioners of Mobile County, provided, however, that none of said bonds shall be payable earlier than three years after the date of said bonds nor later than thirty years after the date thereof. Said bonds shall be subject to and governed by Article V, and amendments thereto, of the Act of the Alabama Legislature approved September 10th, 1927, known as The Municipal Bond Code, except as otherwise herein provided.

Section 3. The Board of Revenue and Road Commissioners of Mobile County may pay the obligations of said county subject to this act, either by an exchange therefor of bonds authorized to be issued hereunder, dollar for dollar, or by appropriating the proceeds from the sale of any of said bonds to the payment of said obligations, or by both methods. Any obligation of the county subject to the provisions of this act may likewise be paid, prior to maturity, as provided in this section, provided that the holder thereof consents thereto.

Section 4. Said Board of Revenue and Road Commissioners of Mobile County shall have the right from time to time, when it deems such action to the best interest of Mobile County, to amend, alter, or change previous resolutions relative to the retiring of obligations of Mobile County subject to the provisions of this act, provided that no amendment, alteration, or change of any such resolution shall affect any vested right.

Section 5. The said Board of Revenue and Road Commissioners shall ascertain, and by appropriate resolution declare, what bonds issued hereunder, and the interest thereon, shall be payable out of the general fund of the county and what bonds issued hereunder, and the interest thereon, shall be payable out of the special 2½ mill tax of said county generally known as the "Road and Bridge Tax" levied under the authority of section 215 of the Constitution of Alabama of 1901, provided that if at any time it shall appear that prompt payment of the principal or interest may be better provided by using a different method said Board of Revenue and Road Commissioners may adopt such method, within the limits authorized by law, as may be deemed by said board advisable.

Section 6. Any unbonded obligation of Mobile County authorized to be refunded hereunder that has not been registered by the Treasurer of Mobile County, and existing on the 30th day of September, 1936, must be presented to such Treasurer for registration on or before the first day of November, 1936. Any such obligation not presented to said Treasurer within said time for registration shall not be entitled to the benefits of this Act. During the month of September, 1936, the Treasurer of Mobile County must publish once a week for four consecutive weeks, at the expense of Mobile County, in some daily newspaper published in Mobile County and of general circulation therein, a notice that the holder of any such valid and enforceable unbonded obligation of Mobile County, and of any unbonded obligation of Mobile County which would be valid and enforceable but for the provision or provisions of the Constitution of Alabama of 1901 fixing the debt limit of said county, and existing on the 30th day of September, 1936, which

has not been registered by the Treasurer of Mobile County, must present the same for registration to the Treasurer of Mobile on or before the first day of November, 1936, or the same shall not be entitled to the benefits of this act. Nothing in this section, however, shall exempt the holder of any such obligation from the necessity of filing his claim with the Board of Revenue and Road Commissioners of Mobile County for allowance by that body where such claims are required by law to be allowed by said body.

Section 7. Said Board of Revenue and Road Commissioners of Mobile County may forthwith, after the first day of November, 1936, proceed to issue bonds hereunder in order that the obligations of such county existing on the 30th day of September, 1936, which are subject to the provisions of this act, may be retired at the earliest times practicable.

Section 8. The words "Board of Revenue and Road Commissioners of Mobile County" wherever herein used shall refer to and apply to any other board, body, or court that may become the governing body of Mobile County.

Section 9. That if any section, clause, or provision of this act shall be held or declared to be void or unconstitutional it shall not affect or destroy the validity or constitutionality of any other section, clause, or provision of this act which is not, of itself, void or unconstitutional, but the same shall remain in full force and effect.

Section 10. That all laws or parts of laws, special, general, local or private, in conflict with the provisions of this act, are hereby repealed.

Section 11. This act shall become effective upon its approval by the governor.

GEORGE A. SOSSAMAN,
Attorney.

STATE OF ALABAMA, MOBILE COUNTY.

Personally appeared before me the undersigned Notary Public in and for said State and County, George A. Sossaman who upon oath deposes and says that The Mobile Times is a newspaper of general circulation in Mobile County, Alabama, and that the attached printed matter appeared in said newspaper in its issue of February 10th, 17th, 24th, and March 2nd, 1936.

GEORGE A. SOSSAMAN.

Subscribed and sworn to before me this 2nd day of March 1936.

WILLIAM M. BEKURS,
Notary Public, Mobile County, Alabama.

By Mr. Taylor:

H. 185. To provide that in all counties in the State of Alabama, having now or hereafter a population of not less than 110,000 nor more than 200,000, according to the last or any subsequent Federal census, that the Board of Health of such counties by whatever name called, shall make a monthly report of all deaths of residents of such county to the Board of Registrars of such county.

Local Legislation No. One.

By Mr. McDermott (with notice and proof):

H. 186. To validate and make a lawful debt of Mobile County, \$6385.00 in warrants heretofore issued by said county to the Mobile County Department of Public Welfare, and to require the registration and payment thereof out of the consolidated treasury

of Mobile County. To repeal all laws in conflict herewith and to fix the time when this act shall become effective.

Local Legislation No. One.

Notice and proof H. 186:

NOTICE

Notice is hereby given that application will be made to the next special session of the Legislature of Alabama for the passage of a bill in substance as follows:

A BILL TO BE ENTITLED

AN ACT to validate and make a lawful debt of Mobile County. \$6,385.00 in warrants heretofore issued by said county to the Mobile County Department of Public Welfare, and to require the registration and payment thereof out of the consolidated treasury of Mobile County. To repeal all laws in conflict herewith and to fix the time when this act shall become effective.

WHEREAS Mobile County has heretofore issued warrants in the sum of \$6,385.00 to the Mobile County Department of Public Welfare for the purpose of paying said county's part of the expenses of the operation and maintenance of said Department and

WHEREAS said warrants have been negotiated and the proceeds used for the above recited purpose, Now Therefore:

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the \$6,385.00 in warrants heretofore issued by Mobile County to the Mobile County Department of Public Welfare, for the above recited purpose, are hereby validated and made a lawful debt of Mobile County and said warrants shall be registered by the Treasurer as of the date of the passage of this act, and shall be paid out of the consolidated treasury of said County in the order of their registration.

Section 2. All laws and parts of laws in conflict herewith are hereby expressly repealed.

Section 3. This act shall become effective immediately upon its passage.

GEORGE A. SOSSAMAN,

Attorney.
feb4-11-18-25

STATE OF ALABAMA, }
COUNTY OF MOBILE }

Personally appeared before me the undersigned Notary Public in and for said State and County, George A. Sossaman, who upon oath deposes and says that the attached printed matter appeared in the Mobile Times in its issues of February 4, 11, 18, and 25, 1936 and that the Mobile Times is a newspaper of general circulation in Mobile County, Alabama.

GEORGE A. SOSSAMAN,

Subscribed and sworn to before me this the 26th day of February, 1936.

WILLIAM M. BEKURS.

Notary Public, Mobile County, Alabama.

By Mr. McDermott (with notice and proof):

H. 187. To provide funds for the maintenance and operation of the Mobile County Department of Public Welfare; to repeal all laws in conflict herewith and to fix the time when this act shall become effective.

Local Legislation No. One.

Notice and proof H. 187:

NOTICE

Notice is hereby given that application will be made to the next special session of the Legislature of Alabama for the passage of a bill in substance as follows:

A BILL TO BE ENTITLED

AN ACT to provide funds for the maintenance and operation of the Mobile County Department of Public Welfare; to repeal all laws in conflict herewith and to fix the time when this act shall become effective.
BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby required to be paid annually, in such installments as is convenient, out of the general fund of Mobile County to the Mobile County Department of Public Welfare such sums of money as shall be reasonably necessary to pay said county's pro-rata share for the maintenance and operation of said Department but which sum in any fiscal year shall not exceed a total of \$18,000.00. The amount to be appropriated each year shall be determined by the Board of Revenue and Road Commissioners, or like governing body, of Mobile County under the foregoing rules and directions.

Section 2. All laws and parts of laws in conflict herewith are hereby expressly repealed.

Section 3. This act shall become effective immediately upon its passage.

GEORGE A. SOSSAMAN,

Attorney.

feb4-11-18-25

STATE OF ALABAMA }
COUNTY OF MOBILE }

Personally appeared before me the undersigned Notary Public in and for said State and County, George A. Sossaman, who upon oath deposes and says that the attached printed matter appeared in the Mobile Times in its issues of February 4, 11, 18, and 25, 1936 and that the Mobile Times is a newspaper of general circulation in Mobile County, Alabama.

George A. Sossaman.

Subscribed and sworn to before me this the 26th day of February, 1936.

William M. Bekurs,
Notary Public, Mobile, County, Alabama.

By Mr. McDermott:

H. 188. To amend an act approved September 13, 1935, entitled 'An Act to amend Section 28 of an Act entitled "An Act to create a pilotage commission; to define its jurisdiction, powers,

and duties; to regulate pilots and pilotage, and to fix fees therefor; to prescribe the mode, penalties, and procedure for violation of this Act; and to repeal all laws in conflict therewith, "approved March 4, 1931".

Seaports, Harbors and Maritime Commerce.

By Mr. McDermott:

H. 189. To establish and provide an official flower for the State of Alabama; to repeal all laws and/or resolutions in conflict herewith, and to fix the time when this act shall become effective.
Rules.

By Mr. Dominick (with notice and proof):

H. 190. To fix the compensation or salary to be paid the Clerk of the Circuit Court of Tuscaloosa County, Alabama, and to regulate the payment of the same: to provide for compensation of clerks, deputies, clerical assistants and other expenses in said office of the Clerk of the Circuit Court of Tuscaloosa County, Alabama, and to require said Clerk of the Circuit Court to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and to pay same into the County Treasury of Tuscaloosa County, provided, however, that all witness fees, judgments and amounts collected by him, in civil and criminal cases, from whatsoever source, except fees, allowances, legal charges, costs and compensation payable to him as such clerk, shall be retained in the hands of said Clerk to be paid out and disbursed by him to proper persons or parties in the manner now or hereafter required by law; to provide for the payment of the salary or compensation of said clerk of the Circuit Court of Tuscaloosa County, and the clerks, deputies and other clerical assistants and other office expenses out of the funds of Tuscaloosa County, and to provide rules and regulations for the conducting and operation of such office made necessary by changing the method and basis of compensation of such Clerk of the Circuit Court of Tuscaloosa County, and to prescribe when this Act shall go into effect.

Local Legislation No. One.

Notice and proof H. 190:

A NOTICE

Notice is hereby given that appliation will be made to the extraordinary or special session of the Legislature of Alabama for the passage of a bill in substance as follows:

A BILL
TO BE ENTITLED
AN ACT

To fix the Compensation or Salary to be paid the Clerk of the Circuit Court of Tuscaloosa County, Alabama, and to regulate the payment of the same: To provide for Compensation of Clerks, Deputies, Clerical Assistants and other expenses in said office of the Clerk of the Circuit Court of Tuscaloosa County, Alabama, and to require said Clerk of the Circuit Court to collect all the Fees, Compensation and Allowances heretofore or hereafter authorized to be collected by him, and to pay same into the County Treasury of Tuscaloosa County, provided, however, that all witness fees, judgments and amounts collected by him, in Civil and Criminal Cases, from whatsoever source, except Fees, Allowances, Legal Charges, Costs and Compensations payable to him as such Clerk, shall be retained in the hands of said Clerk to be paid out and disbursed by him to proper persons or parties in the manner now or hereafter required by law; To provide for the payment of the Salary or Compensation of said Clerk of the Circuit Court of Tuscaloosa County, and the Clerks, Deputies and other Clerical Assistants and other office expenses out of the Funds of Tuscaloosa County, and to Provide Rules and Regulations for the Conducting and Operation of such office made necessary by changing the method and basis of Compensation of such Clerk of the Circuit Court of Tuscaloosa County, and to prescribe when this Act shall go into effect.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the salary or compensation of the Clerk of the Circuit Court of Tuscaloosa County, Alabama, shall be Four Thousand and No-100 Dollars (\$4,000.00), per year, which said Four Thousand and no/100 Dollars (\$4,000.00), annual salary or compensation shall be paid out of the County Treasury of Tuscaloosa County, in equal monthly installments, at the end of each month, upon warrants drawn in the same manner as employees of Tuscaloosa County are paid.

Section 2. That when and after this Act goes into effect said Clerk of the Circuit Court of Tuscaloosa County, hereinabove referred to, shall continue to collect all legal charges, costs, fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and shall pay same into the County Treasury on the first Monday of each month thereafter, provided, however, that all witness fees, judgments and amounts collected by him, in civil and criminal cases, from whatsoever source, except fees, allowances, legal charges, costs and compensation payable to him as such Clerk, shall be retained in the hands of said Clerk to be paid out and disbursed by him to proper persons or parties in the manner now or hereafter required by law.

Section 3. The Board of Revenue, or like governing body, of Tuscaloosa County, Alabama, is required, authorized and empowered to provide sufficient equipment, clerks, deputies and other assistants to the said Clerk of the Circuit Court of Tuscaloosa County, but the said Clerk of the Circuit Court shall select such clerks, deputies and assistants and shall fix their compensation, but the combined salaries of compensation of said clerks, deputies and assistants selected by him shall not exceed Twenty Three Hundred and No-100 Dollars (\$2,300.00) per annum, The said Clerk of the Circuit Court shall have the right to discharge the said clerks, deputies and assistants at will, as they shall serve only at this pleasure. The salaries or compensation instalments out of the general funds of Tuscaloosa

County, upon separate warrants drawn in the same manner as other employees of Tuscaloosa County are paid.

Section 4. The Board of Revenue, or like governing body, of Tuscaloosa County, in addition to the foregoing, shall provide said Clerk of the Circuit Court of Tuscaloosa County with the necessary quarters, books, stationery, supplies, office equipment, files, furniture, typewriters, adding machines, postage and other conveniences and equipment necessary for the proper and efficient conducting and handling of the affairs of said office.

Section 5. The salary or compensation herein fixed shall be in lieu of all fees, compensation and allowances heretofore allowed and paid to said Clerk of the Circuit Court of Tuscaloosa County, and he shall perform the services as ex officio clerk of the Inferior Court of Tuscaloosa County, Alabama, without any additional compensation or pay therefor.

Section 6. That all laws and parts of laws, both general and local, as applied to Tuscaloosa County, Alabama, in conflict with the provisions of this Act, be, and the same are hereby repealed.

Section 7. The provisions of this Act shall go into effect on the first day of the month next succeeding its passage and approval by the Governor.

Signed:

HAYSE TUCKER,
J. C. AUSTIN,
AUBREY DOMINICK.

Feb. 4-11-18-25—4tc

I hereby certify that the attached notice was published in the Tuscaloosa News once a week for four consecutive weeks; viz, February 4, 11, 18, 25, 1936.

Bruce Shelton,
Publisher.

Subscribed and sworn to before me on this the 26th day February, 1936.

Lilla Collins,
Notary Public.

(Seal)

By Mr. Dominick (with notice and proof):

H. 191. To amend Section 3 of House Bill No. 525, of the Acts of the Legislature of Alabama, approved June 12, 1935, entitled "An Act to fix the compensation or salary to be paid the Judge of Probate of Tuscaloosa County, Alabama, and to regulate the payment of the same: To provide for the compensation of clerks, deputies, clerical assistants and other expenses in the Probate Office of Tuscaloosa County, Alabama, and to require said Judge of Probate to collect all the fees, compensation and allowances heretofore or hereafter collected by said Judge of Probate, and to pay same into the County Treasury of Tuscaloosa County; to provide for the payment of the salary or compensation of said Judge of Probate and the Clerks, deputies and other clerical assistants, and other office expenses, out of the funds of Tuscaloosa County, and to provide rules and regulations for the management and operation of such office made necessary by changing the meth-

od and basis of compensation of such Judge of Probate, and to prescribe when this Act shall go into effect.

Local Legislation No. One.

Notice and proof H. 191:

A NOTICE

Notice is hereby given that application will be made to the Extraordinary or Special Session of the Legislature of Alabama to amend House Bill No. 525, passed by the 1935 Legislature and approved June 12, 1935, to allow an additional sum of One Thousand Dollars (\$1,000.00) per annum for salaries or compensation of clerks, deputies and assistants in the office of the Judge of Probate of Tuscaloosa County, Alabama.

Signed:

HAYSE TUCKER,
J. C. AUSTIN,
AUBREY DOMINICK,

I hereby certify that the attached notice was published in the Tuscaloosa News once a week for four consecutive weeks; viz, February 4, 11, 18, 25, 1936

Bruce Shelton,
Publisher.

Subscribed and sworn to before me on this the 26th day of February, 1936.

Lilla Collins,
Notary Public.

(Seal)

By Mr. Dominick (with notice and proof):

H. 192. To authorize the Board of Revenue or like Governing body of Tuscaloosa County, Alabama, to set up and create out of the general funds of said county a contingent fund not to exceed One Thousand Two Hundred Dollars (\$1,200.00) per annum; to define its purposes and uses and to provide the manner of disbursement of said fund: And to prescribe when this Act shall go into effect.

Local Legislation No. One.

Notice and proof H. 192:

A NOTICE

Notice is hereby given that application will be made to the Extraordinary or Special Session of the Legislature of Alabama for the passage of a bill, in substance as follows:

A BILL
TO BE ENTITLED
AN ACT

To Authorize the Board of Revenue or like Governing Body of Tuscaloosa County, Alabama, to set up and create out of the General Funds of said County a Contingent Fund not to exceed One Thousand Two Hundred Dollars (\$1,200.00) per annum; To define its purposes and uses and to Provide the Manner or Disbursement of said Fund; And to Prescribe when this Act shall go into effect.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:—

Section 1. The Board of Revenue or like governing body of Tuscaloosa County, Alabama, is hereby authorized and empowered to create and set up, out of the general funds of said County, a contingent fund of not to exceed One Thousand Two Hundred Dollars (\$1,200.00) per annum, for the purpose of employing additional clerical help and assistance, and for paying taxes, fees or other items charged to or claims made against the Circuit Clerk, Tax Assessor, Tax Collector and Probate Judge or any of them by State or County Auditors or Examiners of Public Accounts.

Section 2. Payments from said funds shall made upon warrants drawn in the same manner as employees and accounts of Tuscaloosa County are paid, provided, however, that before any of said officers are allowed additional clerical help and assistance, and before any taxes, fees or other items or claims charged against said officers are paid, satisfactory proof justifying the allowance and payment thereof must be made and presented to said Board of Revenue or like governing body, and it is entirely within their discretion as to the disbursing of said funds for said purposes, but said payments shall not, in any event, exceed the sum of One Thousand Two Hundred Dollars (\$1,200.00) per annum.

Section 3. At the beginning of each or any fiscal year or at any time during each or any fiscal year, such contingent fund of Twelve Hundred Dollars (\$1,200.00) or any part thereof may be created and set up as may be determined by the Board of Revenue or other like governing body of Tuscaloosa County.

Section 4. Any unexpended balance remaining in said contingent fund at the end of each fiscal year shall be returned to the general fund of Tuscaloosa County.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor.

Signed:

HAYSE TUCKER,
J. C. AUSTIN,
AUBREY DOMINICK,

I hereby certify that the attached notice was published in the Tuscaloosa News once a week for four consecutive weeks; viz, February 4, 11, 18, 25, 1936.

Feb. 4.11-18-25-4tc.

Bruce Shelton,
Publisher.

Subscribed and sworn to before me on this the 26th day of February, 1936.

(Seal)

Lilla Collins,
Notary Public.

By Mr. Owen (Etowah):

H. 193. To provide for the welfare, protection and safety of the public; to provide rules and regulations for the use of steam boilers; to fix a penalty for the violation thereof; to provide for regular inspections, and to fix the amount of fees charged for such inspections; to designate the Department of Labor as the agency of the State for the purposes of this Act; to provide for the appointment of a Chief Boiler Inspector and Assistants, and to fix their compensation; to provide an appropriation for the administration of this Act; to further provide for the general revenue of the State of Alabama.

Labor.

By Mr. Sparks (Walker):

H. 194. To amend Section 10145 and Section 10153 of the Code of Alabama, 1923.

Judiciary.

By Mr. Arnold:

H. 195. To provide for assessment, collection and sale of property for ad valorem taxes on real estate, to provide for assessment of such taxes every four years, subject to certain exceptions, and for payment of such taxes on basis last preceding assessment; to fix penalties for failure of any owner to assess any taxable real estate any year; to provide for quarterly payment of all such taxes, and to fix time and conditions under which entire tax becomes due and delinquent, and when real and personal property may be sold therefor, and to regulate such sales; and to extend and fix time within which tax collections are required to make final settlement.

Revision of Laws.

By Mr. Arnold:

H. 196. To provide for assessment, collection and sale of property for ad valorem taxes on real estate, in all counties in this State having a population of 300,000 or more according to the last or any subsequent Federal Census, to provide for assessment of such taxes every four years, subject to certain exceptions, and for payment of such taxes on basis last preceding assessment; to fix penalties for failure of any owner to assess any taxable real estate any year; to provide for quarterly payment of all such taxes, and to fix time and conditions under which entire tax becomes due and delinquent, and when real and personal property may be sold therefor, and to regulate such sales; and to extend and fix time within which tax collections are required to make final settlement.

Local Legislation No. Two.

By Mr. Toomer (with notice and proof):

H. 197. To authorize the City of Auburn, through its duly constituted officers and when approved by the City Council, to sell and dispose of any or all of the following described property lying in said city in Lee County, Alabama: A piece or parcel of land fronting 100 feet on Tichnor Avenue and extending back of uniform width for a distance of 160 feet, the western boundary of said land, being 156.5 feet east of the eastern line of College Street, in the City of Auburn, and to ratify and confirm any sales of parts thereof which may have heretofore been made by said city.

Local Legislation No. One.

Notice and proof H. 197:

NOTICE OF PROPOSED LOCAL LAW RELATING TO CONVEY-
ANCE OF PROPERTY IN AND OF THE CITY OF
AUBURN, ALABAMA

Notice is hereby given of the intention to apply to the Legislature of Alabama, at its pending extraordinary or special session for the passage and enactment of a law in words and figures, as follows, to wit:

A BILL
TO BE ENTITLED
AN ACT

To authorize the City of Auburn, through its duly Constituted Officers and when approved by the City Council, to sell and dispose of any or all of the following described property lying in said City in Lee County, Alabama,

A piece or parcel of land fronting 100 feet on Tichnor Avenue and extending back of uniform width for a distance of 160 feet, the western boundary of said land, being 156.5 feet east of the eastern line of College Street, in the City of Auburn,

And to Ratify and Confirm any Sales or Parts thereof which may have heretofore been made by said City.

BS IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The City of Auburn, Alabama, is hereby authorized to sell and dispose of, for such price and upon such terms as may be approved by the City Council, all or any part of the following described property located in said City, which property was formerly used for school purposes but is no longer used or needed therefor:

A piece or parcel of land fronting 100 feet on Tichnor Avenue and extending back of uniform width for a distance of 160 feet, the western boundary of said land, 156.5 feet east of the eastern line of College Street in the City of Auburn, Lee County, Alabama.

Section 2. All conveyances of any portion of said property heretofore made by said City, through its duly constituted officers, are hereby ratified and confirmed.

Section 3. Should any section, sentence or clause of this act be declared unconstitutional or void for any reason, same shall not affect any of the remaining portions of said act.

Adv.-7-14-21-23. EXHIBIT A.

The State of Alabama,
Lee County.

Before me, Louise Hall, a Notary Public, in and for said County, in said State, personally appeared W. C. Wear, who is known to me and who being first duly sworn deposes and says that he is the Business Manager of Opelika Daily News, and that same is a newspaper published in Opelika, Lee County, Alabama, and is of general circulation; that the notice, copy of which is hereto attached, and marked Exhibit A and made a part hereof, appeared in the dential words and figures as the same here appears, in the regular issues of said newspaper, on dates as follows, to-wit: February 7th, 1936; February 14th, 1936; February 21st, 1936 and February 28th, 1936, and that, he has personal knowledge of the statements herein made and makes same upon such knowledge.

W. C. Wear.

Sworn to and subscribed before me, this the 29th day of February 1936.

Louise Hall,

Notary Public, Lee County, Alabama.

By Mr. Denson:

H. 198. To further provide for annual, partial or final settlements by Administrators, Executors, Guardians and Trustees, to authorize the court having jurisdiction of any such settlements to fix determine and allow upon such settlements the fees or compensation of such Administrators, Executors, Guardians or Trustees and to fix and allow compensation to be paid from any estate to attorneys representing any such administrators, executors, Guardians or Trustees; and to provide when any such annual or partial settlement shall be final and conclusive.

Judiciary.

By Mr. Wallace:

H. 199. To amend Section 2 of Article 2 of an Act of the Legislature of Alabama approved October 28, 1932, entitled "An Act defining contract carriers and common carriers by motor vehicle not subject to the provisions of the Alabama Motor Carrier Act of 1931; to authorize, regulate and govern the transportation for hire of persons and property on public highways by motor vehicles operated by such contract carriers and common carriers; to authorize, regulate and govern the issuance of permits therefor; to regulate and govern the rates and practices of such carriers; to provide for the payment of fees, and for the payment of excise taxes for the use of the public highways by such contract carriers and common carriers, and to provide for the disposition thereof; to enlarge the powers and duties of the Alabama Public Service Commission and Probate Judges of the State with respect to permits issued to and the regulation and control of such carriers, and to provide for the payment of fees to such Probate Judges; to provide for the appointment of resident agents (upon whom service of process may be had) of such contract carriers

and common carriers who may be non-residents of the State; to authorize municipalities in this State to prescribe license taxes to be paid by such contract carriers and common carriers; to prescribe and regulate the practice and procedure before the Alabama Public Service Commission with respect to said carriers, and to authorize and prescribe appeals from rulings with respect to such carriers, and to regulate injunctions and like orders respecting the same; and to provide for the enforcement, and to prescribe punishment and penalties for the violation of this Act;" and to exempt motor vehicles while being used exclusively for the transportation of school children and school teachers to and from school or while being used for any school purpose or any public or community purpose at the direction of or by authority of the superintendent of education having supervision over the school or schools regularly served by such motor vehicles from any license tax or registration fee as a contract carrier or common carrier or jitney bus, and to make provision for special license tags to be provided at state expense for such motor vehicles; and to exempt from the provisions of said Act approved October 28, 1932, all motor vehicles while engaged in hauling Agricultural products, Dairy products, Livestock and Forest products from any point of loading to any point of unloading, where the distance from point of loading to point of unloading is not over fifty miles measured by the route over which said products are hauled.

Public Roads and Highways.

By Mr. Shaver (with notice and proof):

H. 200. To regulate and control the purchase of goods and supplies for Madison County by the Board of County Commissioners, or other like governing body of Madison County.

Local Legislation No. One.

Notice and proof H. 200:

Notice is hereby given of the intention to apply to the Legislature at its next session for the passage of a Local Act, in substance as follows:

AN ACT

To regulate and control the purchase of goods and supplies for Madison County by the Board of County Commissioners, or other like governing body of Madison County.

Be it enacted by the Legislature of Alabama:

Sec. 1. That it shall be unlawful for the Board of County Commissioners of Madison County, or such like governing body of said County, to purchase for the County of Madison, or bind said County in the purchase of any machinery, mechanical equipment, motor vehicle, tires, oils or motor fuel, where the amount of any such purchase exceeds the sum of \$25.00, unless and until competitive bids therefor have been called for and received by such board governing body, and such bids, both the ones accepted and

the ones rejected, spread upon the Minutes of such board or governing body, which Minutes shall be open to inspection. And the bid accepted must be the lowest and best bid submitted, considering the quality of the goods being purchased, the price bid thereon, and the responsibility of the bidder. Provided, however, that the foregoing provisions shall not apply to repairs to machinery or motor vehicles belonging to Madison County.

Sec. 2. That it shall be unlawful for any member of the Board of County Commissioners of Madison County, or such like governing body of said county, to contract for, order or purchase any article or commodity, other than specified in Section 1 hereof, for the account of said County, unless and until such order, contract or purchase has been approved in writing by the Chairman of such Board of Commissioners or other like governing body.

Sec. 3. This act shall go into effect immediately upon its passage, and approval by the Governor.

2 4-11-18-25.

STATE OF ALABAMA }
MADISON COUNTY }

Before me, W. P. Nicholson, a notary public in and for said county and state this day personally appeared Jack Langhorne, who being first duly sworn deposes and says that he is business manager of The Huntsville Times, a newspaper of general circulation in the City of Huntsville, Madison County, Alabama; that the attached notice of proposed Bill to be introduced for passage in the Legislature of Alabama, was published in said newspaper once a week for four consecutive weeks, February 4, 1936, February 11, 1936, February 18, 1936, and February 25, 1936.

Jack Langhorne,
Business Manager.

Sworn to and subscribed before me this 26 day of February, 1936.

W. P. Nicholson,
Notary Public.

By Mr. Shaver (with notice and proof):

H. 201. To require two thirds of the tax now levied and collected on gasoline, Woco-Pep, or other substitutes therefor, by the Board of County Commissioners of Madison County, Alabama, under authority of an Act of the Legislature approved September 20, 1923, and amendments thereto, to be used for the purpose of creating a sinking fund for the retirement of One hundred thousand (\$100,000.00) Dollars in bonds (authorized by an election held in said County on May 9, 1921), and the payment of interest on same, to be issued by Madison County, Alabama, for the purpose of constructing and improving roads in said County; to require the County Board of Commissioners, or like governing body, of said County, to set aside said funds for said purpose; to fix the date on which said payments into such sinking fund shall begin; authorizing the Board of County Commissioners, or like governing body, of said County to purchase and retire before maturity said bonds, or any portion thereof with said funds so set aside; and providing that upon final payment of said bonds with interest, and

the retirement of same, all such payments into such sinking fund so created shall cease.

Local Legislation No. One.

Notice and proof H. 201:

"Notice is given that it is intended to apply to the Legislature at its next special session for the passage of an Act in substance as follows:

A BILL
TO BE ENTITLED
AN ACT

To require two thirds of the tax now levied and collected on gasoline, Woco-Pep, or other substitutes therefor, by the Board of County Commissioners of Madison County, Alabama, under authority of an Act of the Legislature approved September 20, 1923, and amendments thereto, to be used for the purpose of creating a sinking fund for the retirement of One hundred thousand (\$100,000.00) Dollars in bonds (authorized by an election held in said County on May 9, 1921), and the payment of interest on same, to be issued by Madison County, Alabama, for the purpose of constructing and improving roads in said County; to require the County Board of Commissioners, or like governing body, of said County, to set aside said funds for said purpose; to fix the date on which said payments into such sinking fund shall begin; authorizing the Board of County Commissioners, or like governing body, of said County to purchase and retire before maturity said bonds, or any portion thereof with said funds so set aside; and providing that upon final payment of said bonds with interest, and the retirement of same, all such payments into such sinking fund so created shall cease.

BEIT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1: That two-thirds of the tax now levied and collected on gasoline, Woco-Pep or other substitutes therefore, by the Board of County Commissioners of Madison County, Alabama, under authority of an Act of the Legislature, approved September 20, 1923, and amendments thereto, shall be used for the purpose of creating a sinking fund for the retirement of One Hundred Thousand (\$100,000.00) Dollars in bonds (authorized by an election held in said County on May 9, 1921), and the payment of interest on same, to be issued by Madison County, Alabama, for the purpose of constructing and improving roads in said County, and for no other purpose.

SECTION 2.: That the Board of County Commissioners, or like governing body, of said County shall immediately upon receipt of such funds so collected under authority of an Act of the Legislature, approved September 20, 1923, and amendments thereto, beginning on July 1, 1938, set aside two-thirds of the amount so collected in a special fund to be used only for the payment of interest on and the retirement of the principal of said bonds set out in Section 1 of this Act.

SECTION 3: The Board of County Commissioners, or like governing body, of said County, may from time to time, as the funds so set aside and accumulated may justify, purchase and retire before maturity said bonds, or any portion thereof, with the funds, so set aside.

SECTION 4: That upon the final payment of all interest on and principal of said bonds specified in Section 1 of this Act, and the retirement of same, all payments into the fund created by this Act shall cease.

SECTION 5: All laws or parts of laws in conflict herewith are hereby repealed.

SECTION 6: The provisions of this act shall take effect immediately upon its passage and approval. 2 5-12-19-26.

STATE OF ALABAMA }
MADISON COUNTY }

Before me, W. P. Nicholson, a notary public in and for said state and county this day personally appeared Jack Langhorne, who being first duly sworn deposes and says that he is business manager of The Huntsville Times, a newspaper of general circulation published in Huntsville, Madison County, Alabama; that the foregoing notice of local bill to be introduced for passage in the Legislature of Alabama was published in said newspaper once a week for four consecutive weeks. On February 5, 1936, February 12, 1936, February 19, 1936, and February 26, 1936.

Jack Langhorne,
Business Manager.

Sworn to and subscribed before me this the 26 day of February, 1936.

W. P. Nicholson,
Notary Public.

By Mr. Owens (Madison) (with notice and proof):

H. 202. To prohibit the furnishing by the Board of County Commissioners, or like governing body, of Madison County, Alabama, of any automobile or other conveyance, or motor fuel or oil, to any member of said Board, or governing body, for use by him in the prosecution of his duties or employment as a member of such Board, or otherwise; and to prohibit the use of any such articles by any member of such Board, or governing body, furnished in violation of the provisions of this Act, and to fix the penalty for such violations.

Local Legislation No. One.

Notice and proof H. 202:

"Notice is given that it is intended to apply to the Legislature at its next special session for the passage of an Act in substance as follows:

A BILL
TO BE ENTITLED
AN ACT

To prohibit the furnishing by the Board of County Commissioners, or like governing body, of Madison Copnty, Alabama, of any automobile or other conveyance, or motor fuel or oil, to any member of said Board, or governing body, for use by him in the prosecution of his duties or employment as a member of such Board, or otherwise; and to prohibit the use of any such article by any member of such Board, or governing body, furnished in violation of the provisions of this Act, and to fix the penalty for such violations.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1: The furnishing by the Board of County Commissioners, or like governing body, of Madison County, Alabama, of any automobile,

or other conveyance, or motor fuel, or oil to any member of said governing body, for use by him in the prosecution of his duties or employment as a member of such body, or otherwise, is hereby prohibited.

SECTION 2: It shall be unlawful for any member of the Board of Commissioners, or like governing body, of Madison County, Alabama, to use any motor vehicle, or other conveyance, motor fuel, or oil furnished contrary to the provisions of Section 1 of this Act.

SECTION 3: Any member of the said Board of County Commissioners, or like governing body, of said County, violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be subject to a fine not less than Ten (\$10.00) Dollars and not more than One Hundred (\$100.00) Dollars, and shall be subject to impeachment.

SECTION 4: All laws or parts of laws in conflict with the provisions herewith are hereby repealed.

SECTION 5. This Act shall become effective immediately upon its passage and approval.

2 5-12-19-26.

STATE OF ALABAMA }
MADISON COUNTY }

Before me, W. P. Nicholson, a notary public in and for said state and county this day personally appeared Jack Langhorne, who being first duly sworn deposes and says that he is business manager of The Huntsville Times, a newspaper of general circulation published in Huntsville, Madison County, Alabama; that the attached notice of local bill to be introduced for passage in the Legislature of Alabama was published in said newspaper once a week for four consecutive weeks, on February 5, 1936, February 12, 1936, February 19, 1936, and February 26, 1936.

Jack Langhorne,
Business Manager.

Sworn to and subscribed before me this the 26 day of February, 1936.

W. P. Nicholson,
Notary Public.

By Mr. Owens (Madison) (with notice and proof):

H. 203. To authorize the Board of County Commissioners, or such like Governing Body of Madison County, to donate and appropriate to the Public Welfare Board in said County for relief of destitution, proceeds of the excise tax on gasoline, distributed to said County under the provisions of Article XIII, Chapter 4, of an Act of the Legislature of Alabama entitled: "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935, and to ratify and confirm such donations and appropriations heretofore made to the Public Welfare Board in said county; and to repeal all laws in conflict with this Act.

Local Legislation No. One.

Notice and proof H. 203:

Notice is hereby given that the Board of County Commissioners of Madison County intend to apply to the Legislature of Alabama, at its next special or extraordinary session called by the Governor, for the passage of the following Act:

AN ACT

To authorize the Board of County Commissioners, or such like governing Body of Madison County, to donate and appropriate to the Public Welfare Board in said County for relief of destitution, proceeds of the excise tax on gasoline, distributed to said County under the provisions of Article XIII, Chapter 4, of an Act of the Legislature of Alabama entitled: "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935, and to ratify and confirm such donations and appropriations heretofore made to the Public Welfare Board in said county; and to repeal all laws in conflict with this Act.

Be it Enacted by the Legislature of Alabama:

Sec. 1. The Board of County Commissioners, or such like Governing Body of Madison County, is hereby authorized and empowered to donate and appropriate to the support of the Public Welfare Board in said County for relief of destitution such portion as said Board of County Commissioners, or other like Governing Body, may find fit and proper, from the proceeds of the excise tax on gasoline levied, collected and distributed to said County under the provisions of Article XIII, Chapter 4 of an Act of the Legislature of Alabama entitled: "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935. And all such donations and appropriations heretofore made by said Board of County Commissioners of Madison County to said Public Welfare Board are hereby ratified and confirmed.

Sec. 2. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall go into effect immediately upon its passage and approval by the Governor.

2 4-11-18-25.

STATE OF ALABAMA }
MADISON COUNTY }

Before me, W. P. Nicholson, a notary public in and for said county and state this day personally appeared Jack Langhorne, who being first duly sworn deposes and says that he is business manager of The Huntsville Times, a newspaper of general circulation in the City of Huntsville, Madison County, Alabama; that the attached notice of proposed Bill to be introduced for passage in the Legislature of Alabama, was published in said newspaper once a week for four consecutive weeks, February 4, 1936, February 11, 1936, February 18, 1936, and February 25, 1936.

Jack Langhorne,
Business Manager.

Sworn to and subscribed before me this 26 day of February, 1936.

W. P. Nicholson,
Notary Public.

By Mr. Owen (Etowah):

H. 204. To amend the title, and section 10, and section 16, and section 17, and to repeal section 11 of an act approved September 14, 1935, Entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create

an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such commission; to accept the benefit of an Act of Congress, approved June 6, 1933, Entitled "An Act to provide for the establishment of a National employment system and for cooperation with the states in the promotion of such system and for other purposes", to provide for the creation of An Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this act; to establish an unemployment administration fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this act." (1935 Acts, page 950).

Labor.

BILLS ON SECOND READING

Mr. Glover, Chairman of the Standing Committee on Local Legislation No. One, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Messrs. Kelly and Swift (with notice and proof):

S. 16. To authorize and empower the governing bodies of each of the several counties composing the Twenty-first Judicial Circuit of Alabama, namely, the counties of Baldwin, Conecuh, Escambia and Monroe, by resolution duly adopted and entered of record on the minutes of said governing bodies, or either of them, to pay to the Circuit Judge of said Circuit the sum of Twenty-five Dollars (\$25.00) per month, per county; said sums, when so paid by each of said counties, to be in lieu of all expenses now allowed by law to said Circuit Judge while in his own Circuit.

By Mr. Woodall (with notice and proof):

S. 6. To enable Elmore County, Alabama to finance building, maintenance repair or improvement of public roads therein, undertaken independently by the County, or in conjunction with State and National agencies, or either, by issuance of interest bearing warrants on the gasoline tax fund received or to be received from the State and in case of deficiency of such fund when warrants are payable to provide in the discretion of the Court of County Com-

missioners for payment out of the road and bridge fund or from the general fund of the County where the other funds are insufficient; to provide for the manner of issuance of said warrants, the rate of interest thereon and the manner of payment thereof; to provide for disposition of said warrants, the length of time for which they shall run, limitation of amounts and manner of registration and cancellation thereof; and priority of payment.

By Mr. Woodall (with notice and proof):

S. 7. To authorize Elmore County through its court of commissioners to borrow money in anticipation of taxes, to provide for issuance of warrants of certificates of indebtedness therefor, to limit the amount of such loans, the rate of interest thereon, to provide for the maturity thereof, the manner of execution, for registration, payment and cancellation, and priority of payment out of taxes collected.

By Mr. Walker (with notice and proof):

H. 175. To amend Section 3 of an Act entitled "An Act to provide for the election of County Superintendent of Education for Limestone County, Alabama, to fix his term of office, to prescribe his salary and the manner of payment, to define his qualifications, powers and duties, and to provide for his successor in office", by providing an expense allowance to said Superintendent of Education.

By Mr. Walker (with notice and proof):

H. 176. To amend Section 1 of an act entitled "An Act to authorize the Court of County Commissioners of Limestone County, Alabama, to levy a tax or privilege license on all persons selling, or keeping in storage for sale, gasoline, Woco Pep, or any other motor fuel used by self propelled vehicles, and to provide rules, regulations and machinery for the collection thereof; and to provide penalties for the violation of such rules and regulations".

Mr. Welch, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Goolsby:

H. 121. To amend Section 8605 of the Code of Alabama of 1923.

The above and foregoing bills were severally read a second time and placed on the Calendar.

SECOND READING OF PROPOSED CONSTITUTIONAL
AMENDMENT

Mr. Taylor, Chairman of the Standing Committee on Constitution and Constitutional Amendments, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House without recommendation:

By Mr. Arnold:

H. 164. A Bill To Be Entitled An Act: To provide for and submit to the qualified electors of the State of Alabama at an election to be held on the first Tuesday after the first Monday November 1936, of the present session of the Legislature, an amendment to the Constitution of Alabama to be as follows: "Section 178 (one hundred, seventy-eight) in Article VIII of the Constitution of Alabama of 1901, shall be amended so that the same shall read as follows: Section 178. To entitle a person to vote at any election by the people, he shall have resided in the State at least two years, in the county one year, and in the precinct or ward three months, immediately preceding the election at which he offers to vote, and he shall have been duly registered as an elector, and shall have paid on or before the first day of February next preceding the date of the election at which he offers to vote, all poll taxes due from him for the year nineteen hundred thirty-three, and for each subsequent year, provided, that any elector who, within three months next preceding the date of the election at which he offers to vote, has removed from one precinct or ward to another precinct or ward in the same county, incorporated town, or city, shall have the right to vote in the precinct or ward from which he has so removed, if he would have been entitled to vote in such precinct or ward but for such removal. Nothing herein contained shall change, alter or abrogate the provisions of Amendment X Section 194½ to the Constitution of Alabama, but said Amendment shall continue in full force and effect."

Be it Enacted by the Legislature of Alabama:

SECTION 1. The following amendment to the Constitution of Alabama is hereby proposed and an election by the qualified electors of the State of Alabama is hereby ordered upon such proposed amendment, and the date appointed for such election is the first Tuesday after the first Monday November 1936, at which this amendment is proposed. The proposed amendment is as follows: "Section 178 (one hundred, seventy-eight) in article VIII of the Constitution of Alabama of 1901, shall be amended so that the same shall read as follows: Section 178. To entitle a person to vote at any election by the people, he shall have resided in the

State at least two years, in the county one year, and in the precinct or ward three months, immediately preceding the election at which he offers to vote, and he shall have been duly registered as an elector, and shall have paid on or before the first day of February next preceding the date of the election at which he offers to vote, all poll taxes due from him for the year nineteen hundred and thirty-three and for each subsequent year, provided, that any elector who, within three months next preceding the date of the election at which he offers to vote, has removed from one precinct or ward to another precinct or ward in the same county, incorporated town, or city, shall have the right to vote in the precinct or ward from which he has so removed, if he would have been entitled to vote in such precinct or ward but for such removal. Nothing herein contained shall change, alter or abrogate the provisions of Amendment X, Section 194½ to the Constitution of Alabama, but said Amendment shall continue in full force and effect."

SECTION 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each county in the State for at least four (4) successive weeks next preceeding the day hereby appointed for such election.

SECTION 3. That at the election on the amendment ordered by this Act, the qualified electors of the State of Alabama shall vote upon such proposed amendment, and on the official ballots printed for said election there shall be printed the following: "Section 178 (one hundred, seventy-eight) in Article VIII of the Constitution of Alabama of 1901, shall be amended so that the same shall read as follows: Section 178, To entitle a person to vote at any election by the people, he shall have resided in the State at least two years, in the county one year, and in the precinct or ward three months, immediately preceding the election at which he offers to vote, and he shall have been duly registered as an elector, and shall have paid on or before the first day of February next preceding the date of the election at which he offers to vote, all poll taxes due from him for the year nineteen hundred and thirty-three, and for each subsequent year, provided, that any elector who, within three months next preceding the date of the election at which he offers to vote, has removed from one precinct or ward to another precinct or ward in the same county, incorporated town, or city, shall have the right to vote in the precinct or ward from which he has so removed, if he would have been entitled to vote in such precinct or ward but for such removal. Nothing herein contained shall change, alter or abrogate the provisions of Amendment X Section 194½ to the Constitution of Alabama, but said Amendment shall continue in full force and effect.

Yes.....

No"

SECTION 4. That the votes cast in said election shall be counted, canvassed, tabulated and return made to the Secretary of State in the same manner as provided in elections for Representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such Amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

SECTION 5. Officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the Election Laws of the State for the appointment of officers to hold general elections in this State, and the election shall be held in all things in accordance with this Act, the law governing General Election, and the Constitutional provisions concerning amendments to the Constitution; the expenses of the election, including the cost of the publication of the notice prescribed herein, shall be paid out of the same funds and in the same manner as expenses of General Elections.

The above and foregoing bill, H. 164, proposing an amendment to the Constitution, was read the second time at length and placed on the Calendar.

BILLS ON THIRD READING

H. 123. To amend an act entitled "An Act to amend Sections II, III, V, and VI of an Act entitled 'An Act to define, regulate and license barbers and barber colleges, and other like businesses in counties of the State of Alabama having a population of three hundred thousand or over, according to the last or any subsequent Federal Census; to create a barbers' Commission for said Counties; and to provide a penalty for the violation of the provisions hereof,' which became a law July 24, 1931, under Section 125 of the Constitution," approved September 9th, 1935.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker

Adams

Almon

Arnold

Austin

Blann

Boswell

Bridges

Britton

Bulger

Burleson

Byars

Calhoun

Carter

Castleberry

Chichester

Connor	Hill	Moore	Staples
Cook	Hodges	McDermott	Taylor
Cox	Hollis	McGowin	Terry
Davis	Jones	McPhaul	Tidmore
Delony	Kelly	Petrey	Todd
Doster	Kirby	Poole	Tolbert
Douglass	Lee (Monroe)	Propst	Toomer
Glover	Livingston	Quarles	Waldrep
Goodwyn	Long	Reeder	Wallace
Goolsby	Lusk	Reynolds	Welch
Hanks	Merrill	Sightler	Williams
Hare	Miles	Spence	Wright
Henson	Miller		

—66

On motion of Mr. Todd the bill, H. 123, was ordered sent forth-with to the Senate without engrossment.

H. 83. To regulate and fix the rules in regard to motions for new trials in the circuit court in counties having a population of 300,000 or more according to the last or any subsequent Federal Census; and without limiting or derogating from the generality and comprehensiveness of the foregoing portion of this title, to fix, declare and keep such courts in such counties always open for the filing of, presenting and calling to the attention of the court, continuing, hearing and deciding motions for new trials; and to fix the time within which motions for new trials may be filed, presented and called to the attention of the court, continued, etc., in such courts in such counties.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Cook	Kirby	Reeder
Adams	Cox	Lee (Monroe)	Reynolds
Almon	Davis	Livingston	Sightler
Arnold	Delony	Long	Spence
Austin	Doster	Lusk	Staples
Blann	Douglass	Merrill	Taylor
Boswell	Glover	Miles	Terry
Bridges	Goodwyn	Miller	Tidmore
Britton	Goolsby	Moore	Todd
Bulger	Hanks	McDermott	Tolbert
Burleson	Hare	McGowin	Toomer
Byars	Henson	McPhaul	Waldrep
Calhoun	Hill	Petrey	Wallace
Carter	Hodges	Poole	Welch
Castleberry	Hollis	Propst	Williams
Chichester	Jones	Quarles	Wright
Connor	Kelly		

—66

On motion of Mr. Welch the bill, H. 83, was ordered sent forth-with to the Senate without engrossment.

H. 152. To authorize and empower the Court of County Revenue of Franklin County, Alabama, to apply to, and expend on State and or State and Federal aid highways, within said County in said State, any part or all of the funds of said County derived from the excise tax on gasoline or other liquid motor fuels heretofore levied or that may hereafter be levied and collected by the State of Alabama and paid to said County in the construction or repair of said highways, in connection with other funds contributed or expended by the State of Alabama and or the Federal Government, or otherwise, and to authorize and empower the said Court of County Revenue of said County to enter into contracts for said Construction or repair of said highways with the State of Alabama and or the Federal Government. Also to authorize and empower the Court or County Revenue of said Franklin County to borrow money for the purpose of constructing or repairing State and or State and Federal highways within said County and to pledge as security therefor, any or all of the said excise tax on gasoline or other liquid motor fuels heretofore levied or that may hereafter be levied and collected by the State of Alabama, and paid to said Franklin County as security for said loan or loans, and to provide for the issuance of interest bearing warrants to secure and liquidate said loans; provided however, that \$10,000.00 per year of said excise tax shall not be affected by this Act, but shall be applied on bonded indebtedness of the County as provided by a Local Act for said County.

Was taken up. The question was on the adoption of the amendment reported by the Standing Committee on Local Legislation No. One, said committee amendment being as follows:

Amendment to House Bill No. 152 by the Committee On Local Legislation No. 1.

Amend House Bill No. 152 by striking out the figures \$10,000.-00 wherever they appear in the caption and in Section 4 and insert in lieu thereof \$9,960.00.

And the amendment was adopted.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Burleson	Delony	Hodges
Adams	Byars	Doster	Hollis
Almon	Calhoun	Douglass	Jones
Arnold	Carter	Glover	Kelly
Austin	Castleberry	Goodwyn	Kirby
Blann	Chichester	Goolsby	Lee (Monroe)
Boswell	Connor	Hanks	Livingston
Bridges	Cook	Hare	Long
Britton	Cox	Henson	Lusk
Bulger	Davis	Hill	Merrill

Miles	Poole	Staples	Toomer
Miller	Propst	Taylor	Waldrep
Moore	Quarles	Terry	Wallace
McDermott	Reeder	Tidmore	Welch
McGowin	Reynolds	Todd	Williams
McPhaul	Sightler	Tolbert	Wright
Petrey	Spence		

—66

And the bill:

H. 152. To authorize and empower the Court of County Revenue of Franklin County, Alabama, to apply to, and expend on State and or State and Federal aid highways, within said County in said State, any part or all of the funds of said County derived from the excise tax on gasoline or other liquid motor fuels heretofore levied or that may hereafter be levied and collected by the State of Alabama and paid to said County in the construction or repair of said highways, in connection with other funds contributed or expended by the State of Alabama and or the Federal Government, or otherwise, and to authorize and empower the said Court of County Revenue of said County to enter into contracts for said construction or repair of said highways with the State of Alabama and or the Federal Government. Also to authorize and empower the Court of County Revenue of said Franklin County to borrow money for the purpose of constructing or repairing State and or State and Federal highways within said County and to pledge as security therefor, any or all of, the said excise tax on gasoline or other liquid motor fuels heretofore levied or that may hereafter be levied and collected by the State of Alabama, and paid to said Franklin County as security for said loan or loans, and to provide for the issuance of interest bearing warrants to secure and liquidate said loans; provided however, that \$10,000.00 per year of said excise tax shall not be affected by this Act, but shall be applied on bonded indebtedness of the County as provided by a Local Act for said County.

As amended, was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Burleson	Delony	Hodges
Adams	Byars	Doster	Hollis
Almon	Calhoun	Douglass	Jones
Arnold	Carter	Glover	Kelly
Austin	Castleberry	Goodwyn	Kirby
Blann	Chichester	Goolsby	Lee (Monroe)
Boswell	Connor	Hanks	Livingston
Bridges	Cook	Hare	Long
Britton	Cox	Henson	Lusk
Bulger	Davis	Hill	Merrill

Miles	Poole	Staples	Toomer
Miller	Propst	Taylor	Waldrep
Moore	Quarles	Terry	Wallace
McDermott	Reeder	Tidmore	Welch
McGowin	Reynolds	Todd	Williams
McPhaul	Sightler	Tolbert	Wright
Petrey	Spence		

—66

On motion of Mr. Waldrep, the bill, H. 152, was ordered sent forthwith to the Senate without engrossment.

H. 143. To abolish the fine and forfeiture fund of Conecuh County, Alabama; to provide for the payment into the general fund of said County of all moneys which under existing laws, or laws hereafter enacted, are payable into said fine and forfeiture fund; to provide that witnesses summoned on behalf of the State and all other claims which are payable out of the fine and forfeiture fund of Conecuh County shall, in the future, be paid out of the general fund of said County; to fix the priorities of said Claims; to provide for the registration of same; to regulate the payment of same; and to validate all witness certificates and claims now outstanding against the fine and forfeiture fund.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Cook	Kirby	Reeder
Adams	Cox	Lee (Monroe)	Reynolds
Almon	Davis	Livingston	Sightler
Arnold	Delony	Long	Spence
Austin	Doster	Lusk	Staples
Blann	Douglass	Merrill	Taylor
Boswell	Glover	Miles	Terry
Bridges	Goodwyn	Miller	Tidmore
Britton	Goolsby	Moore	Todd
Bulger	Hanks	McDermott	Tolbert
Burleson	Hare	McGowin	Toomer
Byars	Henson	McPhaul	Waldrep
Calhoun	Hill	Petrey	Wallace
Carter	Hodges	Poole	Welch
Castleberry	Hollis	Propst	Williams
Chichester	Jones	Quarles	Wright
Connor	Kelly		

—66

On motion of Mr. Castleberry, the bill, H. 143, was ordered sent forthwith to the Senate without engrossment.

H. 159. To provide that certain officers of Lawrence County shall each receive an increase in pay as follows: The members of the Board of Revenue shall each receive four dollars (\$4.00) per day instead of three dollars (\$3.00) per day for services ren-

dered to be paid from the gas tax fund and the Sheriff shall receive fifty dollars (\$50.00) per month for gas, oil and car upkeep expenses to be paid from the gas tax fund and to provide if it is illegal to pay these amounts to any of them from the gas tax fund they shall be paid from the general fund or any other unexpended county funds.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Cook	Kirby	Reeder
Adams	Cox	Lee (Monroe)	Reynolds
Almon	Davis	Livingston	Sightler
Arnold	Delony	Long	Spence
Austin	Doster	Lusk	Staples
Blann	Douglass	Merrill	Taylor
Boswell	Glover	Miles	Terry
Bridges	Goodwyn	Miller	Tidmore
Britton	Goolsby	Moore	Todd
Bulger	Hanks	McDermott	Tolbert
Burleson	Hare	McGowin	Toomer
Byars	Henson	McPhaul	Waldrep
Calhoun	Hill	Petrey	Wallace
Carter	Hodges	Poole	Welch
Castleberry	Hollis	Propst	Williams
Chichester	Jones	Quarles	Wright
Connor	Kelly		

—66

On motion of Mr. Byars the bill, H. 159, was ordered sent forthwith to the Senate without engrossment.

H. 160. To provide for an additional allowance for clerical assistance in the office of the Register of the Circuit Court of Mobile County, Alabama, and to provide for the payment of said allowance.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Burleson	Delony	Hodges
Adams	Byars	Doster	Hollis
Almon	Calhoun	Douglass	Jones
Arnold	Carter	Glover	Kelly
Austin	Castleberry	Goodwyn	Kirby
Blann	Chichester	Goolsby	Lee (Monroe)
Boswell	Connor	Hanks	Livingston
Bridges	Cook	Hare	Long
Britton	Cox	Henson	Lusk
Bulger	Davis	Hill	Merrill

Miles	Poole	Spence	Toomer
Miller	Propst	Staples	Waldrep
Moore	Quarles	Taylor	Wallace
McDermott	Reeder	Terry	Welch
McGowin	Reynolds	Tidmore	Williams
McPhaul	Sightler	Todd	Wright
Petrey	Tolbert		

—66

On motion of Mr. McDermott the bill, H. 160, was ordered sent forthwith to the Senate without engrossment.

H. 153. To amend an act entitled An Act: "To require twenty per cent of the total funds received by Franklin County from the levy and collection by the State of gasoline taxes, or taxes on other motor fuels to be used for the purpose of establishing a sinking fund for the retirement of the \$227,000.00 in bonds of said county, requiring the County Treasurer of said County to set aside said fund for said purpose; authorizing the Commissioners Court or Board of Revenue of said County to purchase and retire before maturity said bonds or any portion thereof, with said fund; providing that on final payment and retirement of said bonds, all such funds received by said County from the said gasoline taxes, or taxes on other motor fuels shall be used as provided by the general laws of Alabama; and providing the time when this Act shall take effect. Approved by the Governor on June 6th, 1935, so as to make said Act read as follows: An Act To require the Treasurer or other legal custodian of the funds of Franklin County, Alabama, to set aside out of the excise tax on gasoline or other liquid motor fuels, collected by the State of Alabama and paid to the County of Franklin usually known as the gasoline tax, the sum of \$9,960.00 per year as a sinking fund, for the retirement of the \$227,000.00 of outstanding road bonds against said County; to provide the manner of setting aside the same and requiring the Court of County Commissioners to use said sinking fund in the purchase and retirement of said bonds, and providing the time when this Act shall take effect.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Britton	Connor	Goodwyn
Adams	Bulger	Cook	Goolsby
Almon	Burleson	Cox	Hanks
Arnold	Byars	Davis	Hare
Austin	Calhoun	Delony	Henson
Blann	Carter	Doster	Hill
Boswell	Castleberry	Douglass	Hodges
Bridges	Chichester	Glover	Hollis

Jones	Miller	Reeder	Todd
Kelly	Moore	Reynolds	Tolbert
Kirby	McDermott	Sightler	Toomer
Lee (Monroe)	McGowin	Spence	Waldrep
Livingston	McPhaul	Staples	Wallace
Long	Petrey	Taylor	Welch
Lusk	Poole	Terry	Williams
Merrill	Propst	Tidmore	Wright
Miles	Quarles		

—66

On motion of Mr. Waldrep the bill, H. 153, was ordered sent forthwith to the Senate without engrossment.

H. 154. To authorize the payment of the per diem and mileage of the members of the Court of County Revenue of Franklin County, Alabama, out of the excise gas tax of the county, when engaged in inspecting, accepting, building, repairing or maintaining public roads or bridges in the county.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Cook	Kirby	Reeder
Adams	Cox	Lee (Monroe)	Reynolds
Almon	Davis	Livingston	Sightler
Arnold	Delony	Long	Spence
Austin	Doster	Lusk	Staples
Blann	Douglass	Merrill	Taylor
Boswell	Glover	Miles	Terry
Bridges	Goodwyn	Miller	Tidmore
Britton	Goolsby	Moore	Todd
Bulger	Hanks	McDermott	Tolbert
Burleson	Hare	McGowin	Toomer
Byars	Henson	McPhaul	Waldrep
Calhoun	Hill	Petrey	Wallace
Carter	Hodges	Poole	Welch
Castleberry	Hollis	Propst	Williams
Chichester	Jones	Quarles	Wright
Connor	Kelly		

—66

On motion of Mr. Waldrep the bill, H. 154, was ordered sent forthwith to the Senate without engrossment.

H. 146. To provide for the relief of J. R. Kelley, and to authorize the Board of Revenue of Conecuh County to audit and allow his claim, and to provide for the payment thereof.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

*Yeas:**Messrs.:***Mr. Speaker**

Adams

Almon

Arnold

Austin

Blann

Boswell

Bridges

Britton

Bulger

Burleson

Byars

Calhoun

Carter

Castleberry

Chichester

Connor

Cook

Cox

Davis

Delony

Doster

Douglass

Glover

Goodwyn

Goolsby

Hanks

Hare

Henson

Hill

Hodges

Hollis

Jones

Kelly

Kirby

Lee (Monroe)

Livingston

Long

Lusk

Merrill

Miles

Miller

Moore

McDermott

McGowin

McPhaul

Petrey

Poole

Propst

Quarles

Reeder

Reynolds

Sightler

Spence

Staples

Taylor

Terry

Tidmore

Todd

Tolbert

Toomer

Waldrep

Wallace

Welch

Williams

Wright

—66

On motion of Mr. Castleberry the bill, H. 146, was ordered sent forthwith to the Senate without engrossment.

H. 144. To provide for the relief of J. R. Kelley, and to authorize the Board of Education of Conecuh County to audit and allow his claim, and to provide for the payment thereof.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

*Yeas:**Messrs.:***Mr. Speaker**

Adams

Almon

Arnold

Austin

Blann

Boswell

Bridges

Britton

Bulger

Burleson

Byars

Calhoun

Carter

Castleberry

Chichester

Connor

Cook

Cox

Davis

Delony

Doster

Douglass

Glover

Goodwyn

Goolsby

Hanks

Hare

Henson

Hill

Hodges

Hollis

Jones

Kelly

Kirby

Lee (Monroe)

Livingston

Long

Lusk

Merrill

Miles

Miller

Moore

McDermott

McGowin

McPhaul

Petrey

Poole

Propst

Quarles

Reeder

Reynolds

Sightler

Spence

Staples

Taylor

Terry

Tidmore

Todd

Tolbert

Toomer

Waldrep

Wallace

Welch

Williams

Wright

—66

On motion of Mr. Castleberry the bill, H. 144, was ordered sent forthwith to the Senate without engrossment.

H. 18. To amend Article XIII, Chapter 1, Section 348, Schedule 104 of the General Revenue Law of 1935 entitled "An Act to provide for the general revenue of the State of Alabama."

Was taken up. Mr. Braswell offered the following amendment to the bill, H. 18:

Amend House Bill 18 in Section B when the words and figures in line 10 appears \$25.00, to make same read \$40.00 instead.

The amendment was adopted.

Yeas, 57; Nays, 6.

Yeas:

Messrs.:

Mr. Speaker	Goolsby	Miller	Sanderson
Adams	Hendley	Moore	Shaver
Almon	Henson	McGowin	Shipman
Braswell	Hill	Norman (Lowndes)	Sightler
Bulger	Hodges	Owen (Etowah)	Spence
Byars	Hollis	Owens (Madison)	Staples
Calhoun	Jones	Parish (Henry)	Steele
Castleberry	Kelly	Parish (Pike)	Taylor
Connor	Kirby	Petrey	Terry
Cook	Livingston	Propst	Tidmore
Cox	Long	Rayburn	Todd
Delony	Lusk	Reeder	Waldrep
De Vane	Matthews	Robertson (Cullman)	Wallace
Douglass	Merrill	Robinson (Lowndes)	Williams
Glover			

—57

Nays:

Messrs.:

Bateman	Buffington	Hamner	Toomer
Britton	Denson		

— 6

And the bill:

H. 18. To amend Article XIII, Chapter 1, Section 348, Schedule 104 of the General Revenue Law of 1935 entitled "An Act to provide for the general revenue of the State of Alabama."

As amended, was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 50; Nays, 12.

Yeas:

Messrs.:

Almon	Hanks	McDermott	Sanderson
Arnold	Hare	Norman (Lowndes)	Shaver
Bulger	Harrison	Owen (Etowah)	Sightler
Byars	Hendley	Owens (Madison)	Spence
Calhoun	Hodges	Parish (Henry)	Staples
Castleberry	Hollis	Parish (Pike)	Steele
Connor	Jones	Poole	Taylor
Cox	Livingston	Propst	Tidmore
Davis	Lusk	Rayburn	Todd
Delony	Matthews	Reeder	Waldrep
De Vane	Merrill	Robertson (Cullman)	Wallace
Douglass	Miller	Robinson (Lowndes)	Williams
Glover	Moore		

—50

*Nays:***Messrs.:**Bateman
Buffington
DensonGoolsby
Hamner
LongPetrey
Reynolds
StreetTerry
Toomer
Whigham

—12

On motion of Mr. Calhoun the bill, H. 18, was ordered sent forthwith to the Senate without engrossment.

BILLS INDEFINITELY POSTPONED

On motion of Mr. Connor, the bill, H. 59, was indefinitely postponed.

On motion of Mr. Braswell the bill, H. 98, was indefinitely postponed.

BILLS ON THIRD READING

H. 111. To make appropriation of Two Hundred Thousand Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to defray the expenses of the present session of the Legislature.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 71; Nays, 0.

*Yeas:***Messrs.:****Mr. Speaker**

Almon

Arnold

Austin

Bateman

Boswell

Braswell

Bridges

Britton

Byars

Calhoun

Carter

Cook

Cox

Delony

Denson

De Vane

Glover

Goodwyn

Goolsby

Hamner

Hanks

Hare

Harrison

Heflin

Hendley

Henson

Hill

Hollis

Kelly

Kirby

Lee (Monroe)

Livingston

Long

Matthews

Merrill

Miles

Miller

Moore

McGowin

Norman (Bullock)

Norman (Lowndes)

Owen (Etowah)

Owens (Madison)

Parish (Henry)

Parish (Pike)

Petrey

Rayburn

Reeder

Reynolds

Robertson (Cullman)

Robinson (Lowndes)

Sanderson

Shaver

Shipman

Sightler

Spence

Staples

Steele

Street

Taylor

Terry

Tidmore

Todd

Tompkins

Toomer

Waldrep

Welch

Whigham

Williams

Wright

—71

H. 110. To Amend Section 3759 of the Code of Alabama of 1923 relating to Solicitor's fees for convictions in misdemeanor cases in County Courts and Inferior Courts, so as to read as follows:

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 62; Nays, 1.

Yeas:

Messrs.:

Mr. Speaker	Glover	Moore	Shaver
Adams	Hamner	McDermott	Shipman
Almon	Hanks	Norman (Bullock)	Sightler
Arnold	Heflin	Norman (Lowndes)	Spence
Bateman	Hendley	Owen (Etowah)	Taylor
Bridges	Henson	Owens (Madison)	Terry
Buffington	Hill	Parish (Henry)	Tidmore
Byars	Hodges	Parish (Pike)	Todd
Calhoun	Jones	Propst	Tompkins
Carter	Lee (Monroe)	Quarles	Toomer
Castleberry	Livingston	Rayburn	Waldrep
Connor	Long	Reeder	Welch
Cook	Lusk	Reynolds	Whigham
Cox	Matthews	Robinson (Lowndes)	Williams
De Vane	Miles	Sanderson	Wright
Douglass	Miller		

—62

Nay: Mr. Merrill

— 1

H. 97. To amend Section 8855 of Chapter 314 of the Code of Alabama, of 1923.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 62; Nays, 12.

Yeas:

Messrs.:

Adams	Denson	Miles	Shaver
Almon	De Vane	Moore	Shipman
Arnold	Doster	McDermott	Spence
Austin	Douglass	McGowin	Staples
Braswell	Hamner	Norman (Bullock)	Steele
Bridges	Hare	Norman (Lowndes)	Taylor
Buffington	Heflin	Owens (Madison)	Terry
Bulger	Hendley	Parish (Henry)	Tidmore
Byars	Henson	Parish (Pike)	Todd
Calhoun	Hill	Petrey	Toomer
Carter	Hodges	Propst	Waldrep
Castleberry	Jones	Quarles	Welch
Connor	Kelly	Rayburn	Whigham
Cook	Livingston	Reeder	Williams
Cox	Long	Reynolds	Wright
Delony	Merrill		

—62

Nays:

Messrs.:

Bateman	Britton	Matthews	Sanderson
Blann	Davis	Poole	Sightler
Boswell	Hanks	Robinson (Lowndes)	Tompkins

—12

RESOLUTION

Mr. Harrison offered the following House joint resolution:

By Mr. Harrison:

H. J. R. 21. Be it resolved by the House of Representatives, the Senate concurring, that when the two Houses recess today, they recess until ten-thirty A. M., Thursday, March 5, 1936.

The rules were suspended and the resolution, H. J. R. 21, was adopted.

BILL ON THIRD READING

H. 114. To amend Section 4193 of the Code of Alabama.
Was read a third time at length and defeated.

Yeas, 18; Nays, 48.

Yeas:

Messrs.:

Mr. Speaker	Glover	Livingston	Parish (Pike)
Calhoun	Goolsby	McGowin	Rayburn
Castleberry	Hanks	Norman (Bullock)	Sanderson
Delony	Hendley	Owen (Etowah)	Tompkins
Denson	Kirby		

—18

Nays:

Messrs.:

Adams	Douglass	Moore	Spence
Almon	Hamner	McDermott	Staples
Bateman	Heflin	Norman (Lowndes)	Taylor
Blann	Henson	Owens (Madison)	Terry
Braswell	Hill	Petrey	Tidmore
Bulger	Hodges	Quarles	Todd
Byars	Jones	Reeder	Toomer
Carter	Long	Reynolds	Wallace
Connor	Lusk	Robinson (Lowndes)	Welch
Davis	Matthews	Shaver	Whigham
De Vane	Merrill	Shipman	Williams
Doster	Miller	Sightler	Wright

—48

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following joint resolution and sends same herewith to the House.

By the Rules Committee:

S. J. R. 19. Be It Resolved by the Senate, the House concurring, that when the two houses adjourn today they adjourn to meet again at 10:00 o'clock A. M., Thursday, March 5, 1936.

J. E. Speight,
Secretary,

SENATE MESSAGE

The Senate joint resolution, S. J. R. 19, was referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in the resolution:

H. J. R. 21. Relative to adjournment of the two Houses until Thursday, March 5, 1936, at 10:30 A.M.

And returns same herewith to the House.

J. E. Speight,
Secretary.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 12:10 o'clock P. M., March 3, 1936:

H. 93, H. 1, H. 2, H. 3, H. 40.

E. F. Taylor,
Clerk.

ADJOURNMENT

On motion of Mr. Poole the House adjourned until Thursday, March 5, 1936, at 10:30 o'clock A. M.

EIGHTH DAY

House of Representatives,

Montgomery, Alabama, Thursday, March 5, 1936.

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. W. L. Cooper,
Pastor of South Side Baptist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House the following members answered to their names:

Messrs.:			
Mr. Speaker	Doster	Lusk	Robertson (Cullman)
Adams	Glover	Matthews	Robinson (Lowndes)
Almon	Goodwyn	Merrill	Sanderson
Arnold	Goolsby	Miles	Shaver
Austin	Hall	Miller	Shipman
Bateman	Hamner	Moore	Sightler
Blann	Hanks	McDermott	Sparks (Barbour)
Boswell	Hare	McGowin	Sparks (Walker)
Braswell	Harrison	McPhaul	Spence
Bridges	Heflin	Norman (Bullock)	Staples
Britton	Hendley	Norman (Lowndes)	Steele
Buffington	Henson	O'Neal	Street
Bulger	Hill	Owen (Etowah)	Taylor
Burleson	Hodges	Owens (Madison)	Terry
Byars	Hollis	Parish (Henry)	Tidmore
Calhoun	Johnston	Parish (Pike)	Todd
Carter	Jones	Petrey	Tolbert
Castleberry	Kelly	Poole	Tompkins
Connor	Kirby	Posey (Walker)	Toomer
Cook	Langdon	Propst	Waldrep
Cox	Lee (Bullock)	Rayburn	Welch
Davis	Lee (Monroe)	Reeder	Whigham
Delony	Livingston	Reid	Williams
Denson	Long	Reynolds	Wright
De Vane			

A quorum was present.

REPORT OF STANDING COMMITTEE ON REVISION OF
JOURNAL

Mr. Speaker:

Your Standing Committee on the Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the House for the Seventh Legislative Day and finds same correct.

R. L. Tolbert,
Vice-Chairman.

The report of the Standing Committee on the Revision of the Journal was adopted and the Journal of the House for the Seventh Legislative Day was approved.

REPORT OF STANDING COMMITTEE ON ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed Bills begs leave to report that said committee, in session, has compared the following engrossed bills with the original bills and finds same correctly engrossed, to-wit:

H. 97. To amend Section 8855 of Chapter 314 of the Code of Alabama, of 1923.

Also:

H. 110. To Amend Section 3759 of the Code of Alabama of 1923 relating to Solicitor's fees for convictions in misdemeanor cases in County Courts and Inferior Courts, so as to read as follows:

Also

H. 111. To make appropriation of Two Hundred Thousand Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to defray the expenses of the present session of the Legislature.

M. P. Kelley,
Chairman.

The report of the Standing Committee on Engrossed Bills was concurred in and adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 20. To amend Section 31 of an Act entitled "An Act to provide for the General Revenue of the State of Alabama".

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following bill and ordered same sent forthwith to the House without engrossment.

By Mr. Russell:

S. 47. To amend Schedule 7 of Chapter 1 of Article XIII of an Act "To Provide for the General Revenue of the State of Alabama," approved July 10, 1935.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bill, S. 47, the title to which is set out in the above and foregoing Message from the Senate, was read one time and referred to the Standing Committee on Ways and Means.

RESOLUTION

Mr. Jones offered the following joint resolution:

By Mr. Jones:

H. J. R. 22. Whereas, the Legislature of Alabama has learned with regret of the death of Mr. B. A. Rogers of Florence, Alabama, a former member of the Senate of Alabama and a useful citizen of Lauderdale County;

Now Therefore Be It Resolved by the House of Representatives, the Senate concurring: First, that the Legislature deplores the loss of this valuable citizen.

Second, that the sympathy of this body is hereby extended to the bereaved family.

Third, that these resolutions be spread upon the Journal of the House and a copy hereof be forwarded to the family of the deceased by the Clerk of the House.

The rules were suspended and the resolution, H. J. R. 22, was adopted by rising vote.

REPORT OF STANDING COMMITTEE ON ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Enrolled Bills reports that it has examined the following House bill, and finds same correctly enrolled, to-wit:

H. 20. To amend Section 31 of an Act entitled "An Act to provide for the General Revenue of the State of Alabama".

Dan Gullett Cook,
Chairman.

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following bills:

By Mr. Simpson:

S. 43. To provide that in all counties in this State having a population of Fifty-thousand or more, according to the last or any subsequent Federal Census, the work of the probation of convicts shall be a County purpose; that the Board of Revenue, County Commission or other governing or like governing bodies of such counties shall be authorized to expend County funds for such purpose; to provide that such governing bodies in all such counties shall have the power to appoint probation officers and to fix their compensation and to pay the same out of County funds; to provide regulations for arrest and detention of offenders by Probation Officers; to confer upon Probation Officers the same rights, powers, and duties as those conferred under the law to deputy sheriffs; and to further provide when this Act shall become effective.

Also:

By Mr. Simpson:

S. 42. A bill to be entitled An Act to provide for and submit to the qualified electors of the State of Alabama at the General Election to be held on the Third day of November, 1936, an amendment to the Constitution of Alabama as follows: "The Courts in all

counties of Alabama, having a population of fifty thousand or more, according to the last or any subsequent Federal census and having original jurisdiction in criminal cases, may suspend the execution or imposition of sentences upon persons convicted of crime, where the punishment does not exceed five years imprisonment, and place such persons on probation, and may thereafter impose sentence or order sentence executed, or remit such punishment as may seem to the court right and just and to the best interest of society;" to provide for notice of said election; to provide the form of ballot for the canvassing of returns and to prescribe the method whereby the result of said election shall be known and to further provide for expenses and costs of publication of notices of this proposed amendment.

Be it enacted by the Legislature of Alabama :

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of this State for their consideration at the General election to be held on the Third day of November, 1936, to-wit: "The Courts, in all counties of Alabama having a population of fifty thousand or more according to the last or any subsequent Federal census and having original jurisdiction of Criminal cases, may suspend the execution or imposition of sentences upon persons convicted of crime, where the punishment does not exceed five years imprisonment, and place such persons on probation and may hereafter impose sentence or order sentence executed, or remit such punishment as may seem to the court right and just and to the best interest of society."

Section 2. That it shall be the duty of the Governor of the State of Alabama, to give notice, by proclamation, of the fact that that such election will be held on the day hereby appointed for action by the electorate upon the amendment hereby proposed by this act to be submitted to the qualified electors of the State for their consideration; and such proclamation shall also set out the proposed amendment. The said proclamation shall be published in one newspaper in each county in the State for at least eight successive weeks next preceding the day hereby appointed for the said election.

Section 3. That at said election on the amendment proposed by this act to be submitted to the qualified electors of the State of Alabama, for their consideration, the qualified electors shall vote upon said amendment and on the official ballots printed for such election, there shall be printed the following: "Shall the following be adopted as an amendment to the Constitution of the State of Alabama: "The Courts in all counties of Alabama having a population of fifty thousand or more, according to the last or any subsequent Federal census, and having original jurisdiction in crim-

inal cases, may suspend the execution or imposition of sentences upon persons convicted of crime, where the punishment does not exceed five years imprisonment, and place such persons on probation, and may thereafter impose sentence or order sentence executed, or remit such punishment as may seem to the court right and just and to the best interest of society." Following the proposed amendment on the ballot shall be printed the word "yes" and immediately under that shall be printed the word "no." The choice of the elector shall be indicated by a cross mark made by him, or under his direction opposite the word expressing his desire.

Section 4. That the votes cast at said election shall be counted, canvassed, and tabulated and return made to the Secretary of State in the same manner as in elections of representatives to the Legislature; and if it thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment, voted in favor of same, such amendment shall become a part of the Constitution of Alabama, and shall be in all its intents and purposes valid as such a part of the Constitution.

Section 5. That the result of such election be made known by proclamation of the Governor.

Section 6. That the expenses and cost of the publication of the notices, shall be paid out of the State Treasury.

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bill, S. 43, the title to which is set out in the above Message from the Senate, was read one time and referred to the Standing Committee on Rules.

The Senate bill, S. 42, proposing an amendment to the Constitution, was read one time at length and referred to the Standing Committee on Constitution and Constitutional Amendments.

INTRODUCTION OF BILLS

On a call of counties, bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Robertson (Cullman) (with notice and proof):

H. 205. To require the Court of County Commissioners or Board of Finance and Control of Cullman County, Alabama, or other like governing body of said county to pay for the publishing of the notices of each and every local bill, for or which applies alone

to the said County of Cullman, which is hereafter introduced at present session or any subsequent session of the Legislature of Alabama, when said bill is passed and becomes a law; and providing payment of the same out of money in the general fund of said county not otherwise appropriated, and providing the method of filing such claim.

Local Legislation No. One.

Notice and proof H. 205:

A BILL
TO BE ENTITLED
AN ACT

To require the Court of County Commissioners or Board of Finance and Control of Cullman County, Alabama, or other like governing body of said county to pay for the publishing of the notices of each and every local bill, for or which applies alone to the said County of Cullman, which is hereafter introduced at present session or any subsequent session of the Legislature of Alabama, when said bill is passed and becomes a law; and providing payment of the same out of money in the general fund of said county not otherwise appropriated, and providing the method of filing such claim.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the Court of County Commissioners or Board of Finance and Control of Cullman County, Alabama, or other like governing body of said County, is hereby required to pay for the publishing of the notices of each and every local bill, for or which applies alone to the said County of Cullman, which is hereafter introduced at said session or any subsequent session of the Legislature of Alabama, provided said bill is subsequently enacted into and becomes a law; and upon the filing of a sworn claim as required by law, the governing body of said county is authorized to use any moneys in the general fund of said county to pay the same not otherwise appropriated.

Section 2. That all laws or parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Section 3. This act to take effect upon its passage and approval by the Governor. 6feb-4.

THE STATE OF ALABAMA, }
CULLMAN COUNTY. }

Before me Florence McNabb a Notary Public in and for said County and State, personally appeared Maurice Norwood, Publisher of THE CULLMAN TRIBUNE, a weekly newspaper published in Cullman, Cullman County, Alabama, and being duly sworn, says that the notice of which the attached is a true copy, was published in said newspaper, once a week, for 4 successive weeks and being in the issues of said newspaper of the following dates, viz: February 6, 13, 20, and 27.

Maurice Norwood,
Publisher.
Sworn to and subscribed before me this the 2nd day of March, 1936.
Florence McNabb,
Notary Public.

By Mr. Castleberry:

H. 206. To amend Sections 2124 and 2125 of the 1923 Code of Alabama.

Ways and Means.

By Mr. Steele:

H. 207. To provide for the taking of non-game fish in artificially impounded public waters lying within the boundaries of all counties of this State which now have or may hereafter have a population of not more than fifteen thousand according to the last or any subsequent Federal Census; to provide means and devices for taking the same in said waters; to provide the time during which same may be taken; to provide for license for the use of said devices and the means of issuing and procuring the same; to provide for penalties for violations of the provisions of this Act; to provide that all revenues derived from the provisions of this Act shall be remitted on the first day of each month to the Commissioner of Conservation of Game, Fish and Seafoods, which shall be by him covered into the Treasury of the State of Alabama to the credit of the Game and Fish Fund, and to repeal all laws and parts of laws in conflict with the provisions of this Act.

Local Legislation No. One.

By Mr. Robertson (Cullman):

H. 208. To amend Schedule 146 of Section 348 of Chapter 1 of Article XIII of An Act entitled An Act to provide for the general revenue for the State of Alabama, approved July 10th, 1935, so that the same as amended shall read as follows:

Ways and Means.

By Mr. Goolsby:

H. 209. To amend Section 11 of an Act "To provide for the public safety; to regulate the operation of motor vehicles on the public highways; to provide for the registration and licensing of drivers or operators of motor vehicles and to fix the fees therefor. To authorize the State Highway Commission, with the approval of the Governor, to establish and promulgate reasonable rules and regulations concerning the operation of motor vehicles; to provide punishment and penalties for the violation of the provisions of this Act and of the rules and regulations authorized hereby; to provide for the suspension and revocation of drivers' licenses issued; to authorize the appointment or employment of the necessary officers and agents, and the purchase of the necessary equipment to make the provisions hereof effective; and to provide for the compensation of the officers and agents so employed." approved September 2, 1935.

Public Roads and Highways.

By Messrs. Kirby and O'Neal (with notice and proof):

H. 210. To repeal an Act to authorize the Board of Revenue, County Commissioners or other like governing body of Jackson County, Alabama, to levy and collect an excise tax on gasoline, woco pep or any substitute therefor, not to exceed three cents per gallon. To authorize such Court of County Commissioners Board of Revenue or other like governing body of said County to provide the necessary machinery for collecting said tax for the distribution of said tax to prohibit any incorporated city or town in said County from levying municipal tax on said gasoline, woco pep or any substitute therefor which may be levied by any incorporated city or town in said County to provide for the use of said excise tax and to provide a penalty for the failure to pay the said tax required of the said governing board of said County on page 185 of the local Acts of 1927 and approved August 11, 1927.

Local Legislation No. One.

Notice and proof H. 210:

NOTICE OF LEGISLATION

There will be introduced at the coming special session of the Alabama Legislature a bill to repeal local bill passed by the Legislature in 1927, and approved by the Governor August 11th, 1927, to allow the County Commissioners of Jackson County, Alabama to levy a tax of three cents a gallon on gasoline.

STATE OF ALABAMA, JACKSON COUNTY.

Before me, Rachel Gold, a notary public in and for said county and state, personally appeared P. W. Campbell, who is known to me to be the editor and manager of The Jackson County Sentinel, a newspaper published weekly at Scottsboro, Alabama, who states under oath that the attached notice of Special Legislation for Jackson County, Alabama, was published in said newspaper four consecutive issues, to-wit:

January 30, Feb. 6, 13, 20, 1936.

P. W. Campbell,
Manager The Sentinel.

Sworn to and subscribed before me, this March 4, 1936.

Rachel Gold,
Notary Public.

(Seal)

By Mr. Welch:

H. 211. To Amend Section 7887 of the Code of Alabama of 1923.

Judiciary.

By Mr. Welch:

H. 212. To amend Section 5748 of the Code of Alabama of 1923.

Judiciary.

By Mr. Welch:

H. 213. To amend Section 2 of an Act entitled "An Act to create an additional judgeship for the Tenth Judicial Circuit of Alabama; to provide for the appointment and election of an incumbent thereof; and to prescribe the jurisdiction, power, authority, qualifications, duties and compensation of such incumbent," approved September 2, 1927.

Local Legislation No. Two.

By Mr. Jones:

H. 214. To provide that any gift, devise or bequest for any benevolent, religious, educational or charitable purpose, or to any city, county, municipality, corporation or association for such purposes is void in excess of more than one-fourth of the estate where the will making such gift, devise or bequest is executed less than six months prior to the death of the testator or testatrix and husband or wife or issue or adopted child or children survive such testator or testatrix.

Judiciary.

By Mr. Jones:

H. 215. To amend Section 5762, Code of Alabama of 1923.

Judiciary.

By Mr. Jones:

H. 216. To provide that any person aggrieved may upon obtaining an order from the Judge of Probate maintain an action on the official bond of an executor or administrator whose letters have been revoked and recover to the full extent of any injury sustained by the estate or any beneficiary and the amount recovered shall be paid unto the Probate Court.

Judiciary.

By Mr. Hall:

H. 217. To create greater respect for the administration of justice by fixing certain qualifications and disqualifications as to financial interest and relationships for jurors, judges, and other judicial officers in judicial proceedings, suits and controversies in courts and judicial tribunals of Alabama before or to be decided or passed on by them.

Judiciary.

By Mr. Shaver:

H. 218. To Amend Section 5826 as Amended by Acts of 1931 at page 837.

Judiciary.

By Mr. Shaver:

H. 219. To amend Section 10577, Code of Alabama of 1923.
Judiciary.

By Mr. Shaver:

H. 220. To amend Section 10615, Code of Alabama of 1923.
Judiciary.

By Mr. Taylor (with notice and proof):

H. 221. To provide funds for the maintenance and operation of a County Health Department under direction of the County Health Officer of Mobile County; to repeal all laws in conflict herewith, and to fix the time when this act shall become effective.
Local Legislation No. One.

Notice and proof H. 221:

NOTICE

Notice is hereby given that application will be made to the next special session of the Legislature of Alabama for the passage of a bill in substance as follows:

A BILL, TO BE ENTITLED

AN ACT to provide funds for the maintenance and operation of a County Health Department under direction of the County Health Officer of Mobile County; to repeal all laws in conflict herewith, and to fix the time when this act shall become effective.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby required to be paid annually, in equal monthly installments, out of the general fund of Mobile County to the Board of Health of Mobile County such sums of money as shall be reasonably necessary for the maintenance and operation of a County Health Department under direction of the County Health Officer, which sum for any fiscal year shall not be less than a sum equal to fifteen cents per capita of population according to the last or any succeeding Federal Census. The amount to be appropriated each year shall be determined by the Board of Revenue and Road Commissioners, or like governing body, of Mobile County, under the foregoing rules and directions.

Section 2. All laws and parts of laws in conflict herewith are hereby expressly repealed.

Section 3. This act shall become effective immediately upon its passage.

GEORGE A. SOSSAMAN,

Attorney.
feb4-11-18-25

STATE OF ALABAMA, }
COUNTY OF MOBILE. }

Personally appeared before me the undersigned Notary Public in and for said State and County, George A. Sossaman, who upon oath deposes and says that the attached printed matter appeared in the Mobile Times in its is-

sues of February 4, 11, 18, and 25, 1936 and that the Mobile Times is a newspaper of general circulation in Mobile County, Alabama.

George A. Sossaman,

Subscribed and sworn to before me this the 26th day of February, 1936.

William M. Bekurs,

Notary Public, Mobile County, Alabama.

By Mr. Taylor (with notice and proof):

H. 222. To validate and make a lawful debt of Mobile County, \$8,400.00 in warrants heretofore issued by said county to Headquarters Special Troops 31st Infantry Division, Alabama National Guard and to require the registration and payment thereof out of the consolidated treasury of Mobile County. To repeal all laws in conflict herewith and to fix the time when this act shall become effective.

Local Legislation No. One.

Notice and proof H. 222:

NOTICE

Notice is hereby given that application will be made to the next special session of the Legislature of Alabama for the passage of a bill in substance as follows:

A BILL TO BE ENTITLED

AN ACT to validate and make a lawful debt of Mobile County, \$8,400.00 in warrants heretofore issued by said county to Headquarters Special Troops 31st Infantry Division, Alabama National Guard and to require the registration and payment thereof out of the consolidate treasury of Mobile County. To repeal all laws in conflict herewith and to fix the time when this act shall become effective.

WHEREAS at the time of the issuance of said warrants and at the of \$8,400.00 to Headquarters Special Troops 31st Infantry Division, Alabama National Guard, for the purpose of assisting in the building of a national guard armory at Mobile and

WHEREAS Mobile County has heretofore issued warrants in the sum present time there was and is a lack of and need for a national guard armory in Mobile in order to provide for the safe keeping of arms, ammunition, accountermments, military records, banners and relics of the state, and

WHEREAS said warrants have been negotiated and the proceeds used in the building of said armory. NOW THEREFORE BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the \$8,400.00 in warrants heretofore issued by Mobile County to Headquarters Special Troops 31st Infantry Division, Alabama National Guard, for the above recited purpose, are hereby validated and made a lawful debt of Mobile Counay and said warrants shall be registered by the Treasurer as of the date of the passage of this act and shall be paid out of the consolidate treasury of said county in the order of their registration.

Section 2. All laws and parts of laws in conflict herewith are hereby expressly repealed.

Section 3. This act shall become effective immediately upon its passage.
Feb. 4-11-18-25.

GEORGE A. SOSSAMAN,
Attorney.

STATE OF ALABAMA, }
COUNTY of MOBILE. }

Personally appeared before me the undersigned Notary Public in and for said State and County, George A. Sossaman, who upon oath deposes and says that the attached printed matter appeared in the Mobile Times in its issues of February 4, 11, 18, and 25, 1936 and that the Mobile Times is a newspaper of general circulation in Mobile County, Alabama.

Subscribed and sworn to before me this the 26th day of February, 1936.
George A. Sossaman,
William M. Bekurs,
Notary Public, Mobile County, Alabama.

By Mr. McDermott:

H. 223. To amend Section 10598, Code of Alabama of 1923.
Judiciary.

By Mr. McDermott:

H. 224. To amend Section 7918, Code of Alabama of 1923.
Judiciary.

By Mr. McDermott:

H. 225. To provide that the Judge of Probate may reduce the official bond of an executor, administrator or special administrator upon good cause shown or permit a new bond to be filed in a reduced amount and discharge the surety or sureties on the old bond from liability for matters subsequent to the filing of such new bond.
Judiciary.

By Mr. Taylor:

H. 226. To permit the City Council in all municipalities of this state having a population of less than 6,000 according to the last or any succeeding Federal Census, to appropriate and receive compensation of not more than \$10.00 to each member, to be fixed by the council, for attendance at each regular session of the council. To repeal all laws and parts of laws in conflict herewith.
Municipal Organizations.

By Mr. Staples (with notice and proof):

H. 227. To repeal an Act entitled "An Act To require the Board of School Commissioners of Mobile County to permit each school teacher to be absent from her or his duties for not more than ten school days during each school year without loss of pay, and to require a certificate of ill health by said teacher in order to secure the advantages of this act"; approved March 8, 1933.

Local Legislation No. One.

Notice and proof H. 227:

LEGAL NOTICE

NOTICE is hereby given that at the extraordinary session of the Legislature of Alabama, to begin sitting on or about the 11th day of February, 1936, a Bill will be introduced to repeal an Act entitled "An Act to require the Board of School Commissioners of Mobile County to permit each school teacher to be absent from her or his duties for not more than ten school days during each school year without loss of pay, and to require a certificate of ill health by said teacher in order to secure the advantages of this act"; approved March 8th, 1933. Feb. 4-11-18-25.

W. M. Curran, being sworn, says that he is Auditor of The Mobile Press and The Mobile Register; daily newspapers printed and published in the city and county of Mobile, state of Alabama; and that the attached notice appeared in the issues of The Mobile Register February 4, 11, 18, and 25, 1936.

Sworn to and Subscribed before me this 27th day of Feb. 1936.

(Seal)

W. M. Curran,
Carl M. Smith,
Notary Public.

By Mr. Norman (Bullock):

H. 228. To provide a Local Option Stock Law for the State of Alabama, with the County as the Unit, to provide for the holding of Elections in the various counties of the State, for the approval or rejection of a Stock Law; to prohibit the running at large of cattle or livestock in any county where a majority of the qualified electors of such county have voted in favor of a Stock Law; to fix the liability of owners or managers of cattle or livestock running at large in such counties; to provide for the enforcement of such liability, for the seizure of such cattle or livestock running at large, and for the sale or disposition of such cattle or livestock; and to repeal all laws in conflict with this Act.

Agriculture.

By Mr. Long:

H. 229. To amend Section 216 of an Act entitled "To provide for the general revenue of the State of Alabama", approved July 10, 1935.

Judiciary.

By Mr. Langdon:

H. 230. To amend Section 8105 of the 1923 Code of the State of Alabama.

Judiciary.

By Mr. Langdon (with notice and proof):

H. 231. To require the Commissioners Court, or like governing Body of Pickens County, Alabama, to approve and pay for advertising the notice and substance of local bills to be introduced in the legislature for said county, when due proof has been made of the correctness of the charges for advertising as other claims

against the county are. This act shall apply to and include the notice and substance of bills advertised prior to and during the present session of the legislature. This Act shall apply to Local Bills only that have the approval of the Representative of Pickens County.

Local Legislation No. One.

Notice and proof H. 231:

NOTICE OF PUBLICATION

Notice is hereby given that I will introduce in the special session of the Alabama Legislature, to be held in 1936, a Bill in substance as follows: A Bill to be entitled an Act:

To require the Commissioners Court, or like governing body of Pickens County, Ala., to approve and pay for advertising the Notice and substance of local bills to be introduced in the legislature for said county, when due proof has been made of the correctness of the charges for advertising as other claims against the county are. This act shall apply to and include the notice and substance of bills advertised prior to and during the present session of the legislature. This act shall apply to local bills only that have the approval of the representative of Pickens County.

R. G. LANGDON,
Representative.

THE STATE OF ALABAMA, }
PICKENS COUNTY }

Before me, Jack M. Pratt, a Notary Public in and for said County, personally appeared. Thalia F. Pratt Publisher of The Pickens County Herald & West Alabamian, a newspaper published in said County, who, being by me first duly sworn, states that the attached notice has been regularly published once a week for four consecutive weeks in said paper in issues dates as follows. February 6th, 1936, February 13th, 1936, February 20th, 1936, February 27th, 1936.

Thalia F. Pratt.
Subscribed and sworn to before me this the 2nd day of March, 1936.
Jack M. Pratt,
Notary Public.

By Mr. Langdon (with notice and proof):

H. 232. To relieve all Persons in any Municipality, In Pickens County, Alabama, of and from any and all legal obligation to work on the streets, in any municipality of Pickens County, Ala., or to pay any money in lieu of such obligation. To prohibit the levying or collecting of Street Tax, whether the same is now due or is hereafter to become due.

Local Legislation No. One.

Notice and proof H. 232:

NOTICE OF PUBLICATION

Notice is hereby given that I will introduce in the special session of the Alabama Legislature, to be held in 1936, a Bill in substance as follows: A Bill to be entitled an Act:

To relieve all persons in any municipality, in Pickens County, Ala., of and from any and all legal obligation to work on the streets, in any municipality of Pickens County, Ala., or to pay any money in lieu of such obligation. To prohibit the levying or collecting of street tax, whether the same is now due or is hereafter to become due.

R. G. LANGDON,
Representative.

2-6-4t

THE STATE OF ALABAMA, }
PICKENS COUNTY }

Before me, Jack M. Pratt, a Notary Public in and for said County, personally appeared Thalia F. Pratt, Publisher of The Pickens County Herald & West Alabamian, a newspaper published in said County, who, being by me first duly sworn, states that the attached notice has been regularly published once a week for four consecutive weeks in said paper in issues dates as follows: February 6th, 1936, February 13th, 1936, February 20th, 1936, February 27th, 1936.

Thalia F. Pratt.
Subscribed and sworn to before me, this the 2nd day March, 1936.
Jack M. Pratt,
Notary Public.

By Mr. Langdon (with notice and proof):

H. 233. To relieve all persons in Pickens County, Alabama, of any legal obligation to work on the public roads in said county, lic roads in Pickens County, Alabama.

or to pay any money in lieu of such obligation to work on the pub-
Local Legislation No. One.

Notice and proof H. 233:

AN ACT

Notice is hereby given, that I will introduce in the extra or special session of the Alabama Legislature, to be called during the year 1936, a Bill in substance as follows:

A Bill to be entitled An Act: To relieve all persons in Pickens County, Ala., of any legal obligation to work on the public roads in said county, or to pay any money in lieu of such obligation to work on the public roads in Pickens County, Alabama.

1-23-4t

Robert G. Langdon,
Member of the Legislature.

THE STATE OF ALABAMA, }
PICKENS COUNTY }

Before me, Lizette Lipsey, a Notary Public in and for said County personally appeared Thalia F. Pratt Publisher of The Pickens County Herald & West Alabamian, a newspaper published in said County, who, being by me first duly sworn, states that the attached notice has been regularly published once a week for four consecutive weeks in said paper in issues dates as follows: January 23rd, 1936, January 30th, 1936, February 6th, 1936, February 13th, 1936.

Thalia F. Pratt,
Subscribed and sworn to before me, this the 2nd day of March, 1936.
Lizette Lipsey,
Notary Public.

By Mr. Blann:

H. 234. To amend Section 65 of Article V of the School Code of Alabama of 1927.

Judiciary.

By Mr. Henson (with notice and proof):

H. 235. To prohibit fishing or catching fish from the waters in Washington County, Alabama, on Sunday, and to provide for its enforcement and penalties for its violation.

Local Legislation No. One.

Notice and proof H. 235:

NOTICE

Notice is hereby given that the following bill, or the following bill in substance, will be introduced in the Legislature of Alabama for enactment into law upon the publication of it for the required length of time:

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section One: That it shall be unlawful for any person to take or catch fish in any of the waters of Washington County, Alabama, on Sunday.

Section Two: That any person violating the provision, shall be fined not less than \$10.00 nor more than \$100.00 for each offense, which fine shall be paid in the lawful money of the United States.

Section Three: That it is hereby made the duty of the Sheriff and of the Game Warden to enforce the provisions of this law and of the law prohibiting shooting and hunting on Sunday.

Notice given on the 8th day of February, 1936.
2-13-4t

L. T. Henson.

State of Alabama,
Washington County.

I, Matt L. Blount, Publisher, of the Washington County News, a newspaper published at Chatom, Washington County, Alabama, do hereby certify that a copy of the attached Notice, as per clipping hereto attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof, for 4 consecutive weeks, commencing with the issue dated Feb. 13, 1936, and ending with the issue dated March 5, 1936. I further certify that I have the right and authority to make this affidavit.

Matt L. Blount,
Publisher.

Sworn to and subscribed before me on this, the 5th day March 1936.

Janice W. Blount,
Notary Public.

By Mr. Davis:

H. 236. To amend Section 8966 of the Code of Alabama of 1923 relating to the statute of limitations in actions seeking relief on the ground of fraud.

Judiciary.

By Mr. Rayburn (with notice and proof):

H. 237. To require the Commissioners Court of Marshall County to approve and the Treasurer of said county of Marshall to pay the cost of advertising any local legislation for Marshall County that may have the approval of the representative of Marshall County in the Legislature.

Local Legislation No. One.

Notice and proof H. 237:

NOTICE

Notice is hereby given that the following bill will be introduced at the Special Session of the Legislature of Alabama with the purpose to enact the same into law.

AN ACT

To require the Commissioners Court of Marshall County to approve and the Treasurer of said County of Marshall to pay the cost of advertising any local legislation for Marshall County that may have the approval of the Representative of Marshall County in the Legislature.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the Commissioners Court of Marshall County is hereby required to approve and the County Treasurer of Marshall County is hereby required to pay the cost of advertising any and all local legislation for Marshall County that may have the approval of the Representative of Marshall County in the Legislature.

Section 2. This act shall take effect on its passage and approval by the Governor. 2-5-4t.

STATE OF ALABAMA }
MARSHALL COUNTY }

Before me R. H. Williams, Judge of Probate in and for said State, County personally appeared Y. Burke, who, being duly sworn, deposes and says, that he is Editor and publisher of the Guntersville Advertiser-Democrat a weekly newspaper published in said County, and that the publication of a certain notice of which the foregoing is a true copy, has been made and published in said paper for four consecutive weeks, to-wit: On the 5th day of February, 1936; the 12th day of February, 1936; the 19th day of February, 1936, and on the 26th day of February, 1936.

Y. Burke.

Sworn to and subscribed before me this the 2nd day of March, 1936.

R. H. Williams,

(Seal)

Judge of Probate Marshall Co.

By Mr. Rayburn (with notice and proof):

H. 238. To repeal a local act of the Legislature of Alabama approved September 13, 1935, entitled, "An Act to establish a Board of Revenue for Marshall County, Alabama, to fix the number of members thereof and to fix the districts of said board; to relieve the judge of Probate of his duties as Chairman of the Board of Revenue; to provide for the appointment and election of the mem-

bers of said Board; to fix their duties, powers, compensation and terms of office; to provide for the appointment and election of a chairman thereof; and fix his duties, powers, compensation and the term of office; to provide for the selection and appointment of a bookkeeper-clerk for said board, and to fix his term of office, powers, duties and compensation, and provide for its payment and to provide for the appointment of a county engineer; to fix his duties, and the term of his office and his powers and to provide for his compensation and to provide that all laws or parts of laws, both general and special, in conflict with the provisions of this act be, and the same are hereby repealed, and to provide when said act shall go into effect.

Local Legislation No. One.

Notice and proof H. 238:

NOTICE

Notice is hereby given that the following bill will be introduced at the Special Session of the Legislature of Alabama with the purpose to enact the same into law.

"AN ACT"

To repeal a local Act of the Legislature of Alabama approved September 13, 1935, entitled, "An Act, to establish a Board of Revenue for Marshall County, Alabama, to fix the number of the members thereof and to fix the districts of said board; to relieve the Judge of Probate of his duties as chairman of the Board of Revenue; to provide for the appointment and election of the members of said board; to fix their duties, powers, compensation and terms of office; to provide for the appointment and election of a chairman thereof; and fix his duties, powers, compensation and term of office; to provide for the selection and appointment of a bookkeeper-clerk for said board, and to fix his term of office, powers, duties and compensation, and provide for its payment and to provide for the appointment of a County Engineer; to fix his duties, the term of his office and his powers and to provide for his compensation and to provide that all laws or parts of laws, both general and special, in conflict with the provisions of this Act be, and the same are hereby repealed, and to provide when said Act shall go into effect.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That a local Act of the Legislature of Alabama approved September 13, 1935, entitled, "An Act to establish a Board of Revenue for Marshall County, Alabama; to fix the number of the members thereof and to fix the districts of said Board; to relieve the Judge of Probate of his duties as chairman of the Board of Revenue; to provide for the appointment and election of the members of said Board; to fix their duties, powers, compensation and terms of office; to provide for the appointment and election of a chairman thereof; and to fix his duties, powers, compensation and term of office; to provide for the selection, appointment of a bookkeeper-clerk for said Board; and to fix his term of office, powers, duties and com-

pensation, and to provide for its payment and to provide for the appointment of a County Engineer; to fix his duties, the term of his office and his power and to provide for his compensation and provide when said Act shall go into effect," be and the same is hereby repealed.

Section 2. That this Act shall take effect immediately upon its passage and approval by the Governor. 2-5-4t.

STATE OF ALABAMA }
MARSHALL COUNTY }

Before me R. H. Williams, Probate Judge personally appeared Y. Burke, who, being duly sworn, deposes and says, that he is Editor and publisher of the Guntersville Advertiser Democrat, a weekly newspaper published in said County, and that the publication of a certain notice of which the foregoing is a true copy, has been made and published in said paper for four consecutive weeks, to-wit: On the 5th day of February, 1936; the 12th day of February, 1936; the 19th day of February, 1936, and on the 26th day of February, 1936.

Y. Burke.

Sworn to and subscribed before me this the 2nd day of March, 1936.

R. H. Williams,
Probate Judge.

(Seal)

By Mr. Rayburn (with notice and proof):

H. 239. To amend an Act entitled, "An Act to provide for the election of a county superintendent of Education for Marshall County, Alabama, by the qualified electors thereof; to prescribe the qualifications of said officer; to prescribe the duties of the said officer, and to fix the term and compensation of said officer" approved Feb. 17, 1931.

Local Legislation No. One.

Notice and proof H. 239:

NOTICE

Notice is hereby given that the following bill will be introduced at the Special Session of the Legislature of Alabama, called to convene on February 11th, 1936, with the purpose to enact the same into law.

AN ACT

To amend an Act entitled, "An Act to provide for the election of a County Superintendent of Education for Marshall County, Alabama, by the qualified electors thereof; to prescribe the qualifications of said officer; to prescribe the duties of the said officer, and to fix the term and compensation of said officer" approved Feb. 17, 1931.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

That Section 4 of House Bill number 81 of Local Acts of the Legislature of Alabama, of 1931, Page 10, be amended so as to read as follows:

Section 4. Such County Superintendent of Education shall devote his or her entire time to the public school business of Marshall County, Alabama. That the salary of the County Superintendent of Education of Marshall County shall be \$2700.00 per year until June 30, 1939. That on and after July 1, 1939, the amount of salary of the County Superintendent of Education of Marshall County shall be determined by the Marshall County

Board of Education. Provided that the salary of the County Superintendent of Education shall not be less than \$2400.00 per year. That the Board of Education of Marshall County, Alabama, is hereby authorized and empowered to provide for the payment of the actual traveling expenses of said County Superintendent of Education incident to the duties of his office, not to exceed the sum of \$900.00, per year. That the payment of such traveling expenses by the Marshall County Board of Education subsequent to July 1, 1935, is hereby legalized.

That the County Board of Education of Marshall County, Alabama, shall determine the amount of office help for the County Superintendent of Education of said County, the County Superintendent of Education of said County shall select the office help, and the County Board of Education shall fix the salaries of such office help, and the same shall be paid at the time and in the manner provided in the general laws of the State of Alabama for the payment of such office help
2-5-4t.

STATE OF ALABAMA }
MARSHALL COUNTY }

Before me, R. H. Williams, Judge of Probate in and for said State and County personally appeared Y. Burke, who, being duly sworn, deposes and says, that he is Editor and publisher of the Guntersville Advertiser-Democrat, a weekly newspaper published in said County, and that the publication of a certain notice of which the foregoing is a true copy, has been made and published in said paper for four consecutive weeks, to-wit: On the 5th day of February, 1936; the 12th day of February, 1936; the 19th day of February, 1936, and on the 26th day of February, 1936.

Y. Burke.

Sworn to and subscribed before me this the 2nd day of March, 1936.

(Seal) R. H. Williams,
Judge of Probate, Marshall Co.

BILLS ON SECOND READING

Mr. Welch, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. Taylor:

H. 142. To fix the qualification of Circuit Judges, Courts of Record and of Judges of Inferior Courts within this State, which have been created by law, and whose jurisdiction in Civil and Criminal cases is countywide.

By Mr. Dominick:

H. 149. To provide an additional method or mode for witnesses in any State, Circuit, County or Municipal Court, or any other legally constituted tribunal of or in the State of Alabama to be served with a subpoena or summons and authorizing such witness to accept service of such subpoena or summons, and also to provide for the service on witnesses by the Clerk of any Court mailing

such witness by registered mail a summons or subpoena with a return receipt demanded therefor.

Mr. Welch, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

By Mr. Braswell (with amendment):

H. 155. To amend Section 4039 of the Code of Alabama of 1923.

Mr. Welch, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. Hare:

H. 169. To regulate the sale, transfer and possession of certain types of firearms; to provide for the licensing of dealers and owners of such firearms; to fix rules of evidence in the Courts of this State in prosecutions for violations of this Act; to prescribe penalties for the violations of any provision herein and to make uniform the law with reference thereto.

By Mr. Castleberry:

H. 139. To authorize and empower the Courts of County Commissioners and/or other governing bodies of all counties of Alabama which now have or which may hereafter have a population of less than 26,000 inhabitants, according to the last or any subsequent federal census, to transfer any funds (except school monies, sinking funds and the constitutional road and bridge fund) that may be received by the said counties to the general funds of the counties at any meeting of said boards, or other governing bodies, and to ratify any such transfers heretofore made.

By Mr. Starnes:

S. 49. To amend Sections 7547, 7551, 7552, 7554, 7556, 7557, 7558, 7560, 7563, 7567, and 7596 of the Code of Alabama of 1923, and to repeal Section 7562 of said Code.

By Mr. Walton:

S. 4. To amend an Act entitled an Act to amend Section 1255 of the Code of Alabama, 1923, approved July 22, 1931.

By Mr. Rayburn:

H. 100. To amend Section 9709 of the Code of Alabama of 1923 relating to transportation companies as defined therein.

Mr. Calhoun, Chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the

following bill and ordered same returned to the House with a favorable report:

By Mr. Castleberry:

H. 145. To authorize by law, members of Board of Revenue, County Commissioners or like officers, of all counties in Alabama, with a population according to the last Federal Census, or any subsequent Federal Census of not less than 45,500 and not more than 55,000, may charge and collect five cents per mile for all mileage made by the hereinbefore named officers, while in the discharge of their official duties, to defray the expenses of their transportation, including use of automobiles, gas and oil, but in no event shall any officer above named exceed 300 miles any one month for which the respective counties will be liable for said charge; this Act not to apply to any counties now having a charge for road services or which may hereafter have charge for said service; said charge to be paid out of any funds available for said counties effected, and to be paid by warrant drawn by chairman of Board of Revenue, County Commissioners or like officers for said counties, and only after claim for mileage charge has been passed and approved by said Board having charge of the same.

Mr. Harrison, Chairman of the Standing Committee on Ways and Means, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with substitute:

By Mr. Arnold (by request) (with substitute):

H. 166. To amend Schedule 135 of Article XIII, Chapter 1, License Schedule, of An Act to provide for the General Revenue of the State of Alabama, approved July 10th, 1935.

Mr. Harrison, Chairman of the Standing Committee on Ways and Means, reported that said committee, in session, had acted on the following bill and ordered same returned to the House without recommendation with amendment:

By Mr. Harrison (without recommendation) (with amendment):

H. 21. In reference to and to further provide for the general revenue of the State of Alabama.

Mr. Harrison, Chairman of the Standing Committee on Ways and Means, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with substitute:

By Mr. Taylor (with substitute):

H. 137. To amend Section 360 of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935 and known as House Bill 324.

Mr. Harrison, Chairman of the Standing Committee on Ways and Means, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report with amendment:

By Mr. Steele (with amendment):

H. 147. To provide for the general revenue of the State of Alabama.

By Mr. Lusk (with amendment):

H. 133. To amend Section 103 of Article 4 of an act entitled "To provide for the general revenue of the State of Alabama" approved July 10, 1935, pertaining to and providing for appeals from final assessments made by the State Tax Commission.

Mr. Harrison, Chairman of the Standing Committee on Ways and Means, reported that said committee, in session, had acted on the following bill and ordered same returned to the House without recommendation with amendment:

By Mr. Almon (without recommendation) (with amendment):

H. 132. To amend Section 142 of Article V of an Act entitled, "An act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

Mr. Harrison, Chairman of the Standing Committee on Ways and Means, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report with amendment:

By Mr. Almon (with amendment):

H. 148. To amend Section 178 of Article 6 of an act entitled, "An act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

By Mr. Todd (with amendment):

H. 99. To amend Schedule 158.5 of chapter 6, Article 13, of an act entitled "An act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

Mr. Harrison, Chairman of the Standing Committee on Ways and Means, reported that said committee, in session, had acted on the following bills and ordered same returned to the House without recommendation:

By Mr. Hamner (without recommendation):

H. 62. To amend Section 338 and 344 of an act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

By Mr. Hamner (without recommendation):

H. 6. In reference to and to further provide for the general revenue of the State of Alabama.

By Mr. Chichester (without recommendation):

H. 28. In reference to and to further provide for the general revenue of the State of Alabama.

Mr. Harrison, Chairman of the Standing Committee on Ways and Means, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. Robertson (Cullman):

H. 178. To amend Schedule 158 of Chapter 6, Article 13 of "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

By Mr. Douglass:

H. 158. To amend Section 276 of an Act entitled "an act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

By Mr. Welch:

H. 65. To amend Section 34 of an Act entitled An Act to provide for the general revenue of the State of Alabama, approved July 10, 1935.

Mr. Delony, Chairman of the Standing Committee on Appropriations, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. Taylor:

H. 136. To amend Section 5 of an Act approved September 11, 1935, entitled "An act to adopt for the State of Alabama the provisions of the Wagner-Peyser Act; to designate the State Department of Labor, when created, as the agency of the State for the purposes of such Act, and to make an appropriation therefor."

Mr. Delony, Chairman of the Standing Committee on Appropriations, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with substitute:

By Mr. Chichester (with substitute):

H. 27. To amend Section VIII of an Act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative and Judicial Departments of the State, for the interest on the public debt, and for the public schools".

Mr. Parish (Henry), Chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Hare:

H. 106. To regulate the business of buying livestock for resale or slaughter, the business of slaughtering livestock, and the business of transporting, hauling or driving of such livestock along the public highways of Alabama for resale or slaughter; to define such dealers, slaughterers and transporters in and of such livestock; to provide for licensing such dealers or the conduct of such business; to protect owners or lienholders against theft or wrongful sale or removal of such livestock; to authorize the Commissioner of Agriculture and Industries with the approval of the State Board of Agriculture to prescribe reasonable rules and regulations for the conduct of such business or businesses; to provide for registering the brands or marks of livestock, to fix the duties of the Commissioner of Agriculture and Industries, and to provide penalties for the violation of this Act.

Mr. Parish (Henry), Chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bill and ordered same returned to the House without recommendation:

By Mr. Hodges (without recommendation):

H. 168. To declare the public policy of the State as to the control, elimination and prevention of increase of wet, swamp or overflow lands as affecting the public health, general welfare or public convenience or in aid of agriculture; to create each County of the State a drainage district for the purpose of this Act; to provide for the establishment and development of drainage subdistricts; to provide for or assist land owners in providing for, the prevention, elimination, or control of overflow waters, wet, swamp and overflow lands through the control of surface waters and soil erosion by means of drainage, ditching or terracing as related to said declared policy; to provide for the creation of County Boards of Drainage Commissioners; to provide general powers of the County Board of Revenue or Commissioners necessary to carry out the purposes of this Act; to provide for the assessment and collection of costs and expenses of establishing proper control of surface waters upon agricultural lands of this State; to promote, aid and assist the purposes of drainage districts organized under the "Alabama Drainage Law"; to confer the right of eminent domain to the extent necessary to carry into effect the purposes of this Act; and to provide for the repeal of laws in conflict with this Act in so far as they affect the operation of this Act

Mr. McDermott, Chairman of the Standing Committee on Sea-ports, Harbors and Maritime Commerce, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. McDermott:

H. 188. "To amend an Act approved September 13, 1935, entitled 'An Act To Amend Section 28 of an Act entitled "An Act to Create a pilotage commission; to define its jurisdiction, powers, and duties; to regulate pilots and pilotage, and to fix fees therefor; to prescribe the mode, penalties, and procedure for violation of this Act; and to repeal all laws in conflict therewith," approved March 4, 1931.'"

Mr. Glover, Chairman of the Standing Committee on Local Legislation No. One, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Goodwyn:

H. 183. To authorize the Board of Revenue, County Commissioners or other like County authorities in counties having a population of not less than 75,000 nor more than 110,000 according to the last Federal Census, or any future Federal Census; to purchase and maintain a suitable automobile or automobile truck for the use of the Humane Officer of such county at the cost of said county.

Mr. Glover, Chairman of the Standing Committee on Local Legislation No. One, reported that said committee, in session, had acted on the following bills and ordered same returned to the House without recommendation:

By Mr. McDermott (without recommendation):

H. 187. To provide funds for the maintenance and operation of the Mobile County Department of Public Welfare; to repeal all laws in conflict herewith and to fix the time when this act shall become effective.

By Mr. Staples (with notice and proof) (without recommendation):

H. 184. "To authorize Mobile County, in the State of Alabama, to issue bonds from time to time, not exceeding in the aggregate \$1,600,000.00, which bonds, or the proceeds thereof, shall be used exclusively for paying valid and enforceable unbonded obligations of Mobile County, and unbonded obligations of Mobile County which would be valid and enforceable but for the provision or provisions of the Constitution of Alabama of 1901 fixing the debt limit of said county, and all past due interest and principal on any valid and enforceable bonded obligations of said county existing

on September 30th, 1936; to provide the manner, method, interest rate, maturity, and all necessary details relative to the issuance and selling of such bonds and the retirement thereof; to provide for the manner and method of retiring the obligations which are to be refunded hereunder; to provide that the holder of any such unbonded obligation entitled to be refunded under this act, existing on the 30th day of September, 1936, and not registered with the Treasurer of Mobile County, must present the same for registration to the Treasurer of Mobile County, on or before the 1st day of November, 1936, or the same shall not be entitled to the benefits of this act; to provide what notice shall be given to the holders of such unbonded and unregistered obligations existing on the 30th day of September, 1936; and to provide that the invalidity or unconstitutionality of any section, clause, or provision of this act shall not affect the validity or constitutionality of any other section, clause, or provision hereof; and to provide for the repeal of all laws or parts of laws, special, general, local, or private, in conflict with the provisions of this act."

By Mr. Taylor (without recommendation):

H. 185. To provide that in all counties in the State of Alabama having now or hereafter a population of not less than 110,000 nor more than 200,000, according to the last or any subsequent Federal census, that the Board of Health of such counties by whatever name called, shall make a monthly report of all deaths of residents of such county to the Board of Registrars of such county.

By Mr. McDermott (without recommendation):

H. 186. To validate and make a lawful debt of Mobile County, \$6385.00 in warrants heretofore issued by said county to the Mobile County Department of Public Welfare, and to require the registration and payment thereof out of the consolidated treasury of Mobile County. To repeal all laws in conflict herewith and to fix the time when this act shall become effective.

Mr. Glover, Chairman of the Standing Committee on Local Legislation No. One, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. Dominick (with notice and proof):

H. 192. To authorize the Board of Revenue or like governing body of Tuscaloosa County, Alabama, to set up and create out of the general funds of said County a contingent fund not to exceed One Thousand Two Hundred Dollars (\$1,200.00) per annum; to define its purposes and uses and to provide the manner of disbursement of said fund: and to prescribe when this Act shall go into effect.

By Mr. Toomer (with notice and proof):

H. 197. To authorize the City of Auburn, through its duly constituted officers and when approved by the City Council, to sell and dispose of any or all of the following described property lying in said City in Lee County, Alabama, A piece of parcel of land fronting 100 feet on Tichnor Avenue and extending back of uniform width for a distance of 150 feet, the Western boundary of said land, being 156.5 feet east of the eastern line of College Street, in the City of Auburn, and to ratify and confirm any sales or parts thereof which may have heretofore been made by said City.

By Mr. Hodges (with notice and proof):

H. 181. To provide for the election of three school trustees for each school in Fayette County, Alabama, and to prescribe their authority and duties.

By Mr. Dominick (with notice and proof):

H. 190. To fix the compensation or salary to be paid the Clerk of the Circuit Court of Tuscaloosa County, Alabama, and to regulate the payment of the same: To provide for compensation of Clerks, Deputies, Clerical Assistants and other expenses in said office of the Clerk of the Circuit Court of Tuscaloosa County, Alabama, and to require said Clerk of the Circuit Court to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and to pay same into the County Treasury of Tuscaloosa County, provided, however, that all witness fees, judgments and amounts collected by him, in civil and criminal cases, from whatsoever source, except fees, allowances, legal charges, costs and compensation payable to him as such Clerk, shall be retained in the hands of said Clerk to be paid out and disbursed by him to proper persons or parties in the manner now or hereafter required by law; to provide for the payment of the salary or compensation of said Clerk of the Circuit Court of Tuscaloosa County, and the Clerks, deputies and other Clerical Assistants and other office expenses out of the funds of Tuscaloosa County, and to provide rules and regulations for the conducting and operation of such office made necessary by changing the method and basis of compensation of such Clerk of the Circuit Court of Tuscaloosa County, and to prescribe when this Act shall go into effect.

By Mr. Dominick (with notice and proof):

H. 191. To amend Section 3 of House Bill No. 525, of the Acts of the Legislature of Alabama, approved June 12, 1935, entitled "An Act to fix the compensation or salary to be paid the Judge of Probate of Tuscaloosa County, Alabama, and to regulate the pay-

ment of the same: To provide for the compensation of Clerks, Deputies, Clerical Assistants and other expenses in the probate office of Tuscaloosa County, Alabama, and to require said Judge of Probate to collect all the fees, compensation and allowances heretofore or hereafter collected by said Judge of Probate, and to pay same into the County Treasury of Tuscaloosa County; To provide for the payment of the salary or compensation of said Judge of Probate and the Clerks, Deputies and other clerical assistants, and other office expenses, out of the funds of Tuscaloosa County, and to provide rules and regulations for the management and operation of such office made necessary by changing the method and basis of compensation of such Judge of Probate, and to prescribe when this Act shall go into effect.

By Mr. Thomas (with notice and proof):

S. 29. To require the Court of County Commissioners, or like governing body of Chilton County, to appropriate annually out of the general fund of the County a sum not less than Three Thousand (\$3,000.00) Dollars; such sum to be a preferred claim and payable to the budget of the Chilton County Health Department for the establishment, maintenance and operation of a health department in said county.

By Mr. Thomas (with notice and proof):

S. 30. To require the Court of County Commissioners or like governing body of Chilton County Alabama to establish and make payment of an Agricultural Fund for the purpose of paying salaries and travel of a County agricultural Agent, County Home Demonstration Agent, an Assistant County Agricultural Agent in 4-H club work and the salary of a Clerical Assistant to provide for the appointment and duties of a County Agricultural Agent, a County Home Demonstration Agent, an Assistant County Agricultural Agent in 4-H Club work, and a Clerical Assistant to provide necessary expenses to provide out of what funds and in what order of preference said Agricultural Fund shall be paid, to provide when this act shall take effect.

By Mr. Chesnut (with notice and proof):

S. 45. To authorize, permit and empower the Court of County Commissioners of Cherokee County, Alabama, or any like governing body of said County to appropriate ten (10%) per centum of all funds derived from the excise tax on gasoline or other liquid motor fuels, heretofore levied or that may hereafter be collected by the State of Alabama, and paid to the several Counties of this State, coming to the Legislature of Alabama, such appropriation to be paid monthly into the General Funds of Cherokee County, Alabama, and to be used in the payment of any and all claims pay-

able out of the General Funds of Cherokee County, Alabama, and to continue such appropriation until October 1st, 1938, for the use and benefit of the General Funds of Cherokee County, Alabama; to repeal all laws or parts of laws in conflict with the provisions of this Act, and to provide when the provisions of this Act shall go into effect.

Mr. Connor, Chairman of the Standing Committee on Local Legislation No. Two, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Connor:

H. 170. To amend section 8 of an act entitled, "An Act to provide for the public safety; to regulate the operation of motor vehicles on the public highways; to provide for the registration and licensing of drivers or operators of motor vehicles and to fix the fees therefor. To authorize the State Highway Commission, with the approval of the Governor, to establish and promulgate reasonable rules and regulations concerning the operation of motor vehicles; to provide punishment and penalties for the violation of the provisions of this Act and of the rules and regulations authorized hereby; to provide for the suspension and revocation of driver's licenses issued; to authorize the appointment or employment of the necessary officers and agents, and the purchase of the necessary equipment to make the provisions hereof effective; and to provide for the compensation of the officers and agents so employed," approved September 2, 1935.

Mr. Byars, Chairman of the Standing Committee on Privileges and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Waldrep:

H. 171. To amend Section 376 of the Code of Alabama of 1923, as amended by an Act of the Legislature of Alabama of 1927 entitled, "An Act to amend Sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923," approved August 20, 1927, as amended by an Act of the Legislature of Alabama of 1932, Extra Session, approved October 4, 1932, entitled, "An Act to amend Section 376 of the Code of Alabama of 1923 as amended by an Act of the Legislature of Alabama, approved August 20, 1927, entitled: 'An Act to amend Sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923,' found on page 274 of the Acts of 1927, as amended by an Act of the Legislature of Alabama of 1935 entitled, "An Act to amend Section 376 of the Code of Alabama of 1923, as amended by an act of the Legislature of Alabama of 1927 entitled,

'An act to amend Sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923,' approved August 20, 1927."

Mr. Owen (Etowah), Chairman of the Standing Committee on Labor, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Owen (Etowah):

H. 204. To amend the title, and section 10, and section 16, and section 17, and to repeal section 11 of an act approved September 14, 1935, Entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such commission; to accept the benefit of an Act of Congress, approved June 6, 1933, Entitled "An Act to provide for the establishment of a National employment system and for cooperation with the states in the promotion of such system and for other purposes", to provide for the creation of An Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this act; to establish an unemployment administration fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this act." (1935 Acts, Page 950.)

Mr. Harrison, Chairman of the Standing Committee on Ways and Means, reported that said committee, in session, had acted on the following bill and ordered same returned to the House without recommendation:

By Mr. Harrison (without recommendation):

H. 180. To provide for the general revenue of the State of Alabama.

The above and foregoing bills were severally read a second time and placed on the Calendar.

BILLS REPORTED ADVERSELY

Mr. Harrison, Chairman of the Standing Committee on Ways and Means, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with an adverse report:

By Mr. Shaver:

H. 131. To amend Schedule 133 of Section 348 Chapter 1, Article XIII of an Act entitled "An Act to provide for the general revenue of the state of Alabama" approved July 10, 1935.

By Mr. Chichester:

H. 23. To amend Section 38 of an act entitled, "An Act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

By Mr. Chichester:

H. 165. To amend Schedule 146 of Section 348 of Chapter 1 of Article XIII of An Act entitled An Act to provide for general revenue for the State of Alabama, approved July 10, 1935.

By Mr. Castleberry:

H. 107. To further provide for the general revenue of the State of Alabama.

By Mr. Castleberry:

H. 113. To fix the rate of interest on delinquent State and County Ad Valorem taxes.

By Mr. Staples:

H. 126. To amend Section 87 of an Act entitled "An Act to provide for the general Revenue of the State of Alabama," approved July 10, 1935.

And the bills were placed on the Adverse Calendar.

RECOMMITAL OF BILLS

Mr. Harrison, Chairman of the Standing Committee on Ways and Means, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with the recommendation that it be re-referred to the Standing Committee on Local Legislation No. Two:

H. 73. To amend Sections 3135, 3136 and 3137 of the Code of 1923.

On motion of Mr. Welch the bill, H. 73, was re-referred to the Standing Committee on Local Legislation No. Two.

On motion of Mr. Welch:

H. 87. To amend Section 7020 of the Code of Alabama.

Was recommitted to the Standing Committee on Judiciary.

MOTION TO RECONSIDER

Mr. Taylor moved to reconsider the vote by which the bill, H. 114, was defeated on the last legislative day. Mr. Taylor then moved to postpone his motion to reconsider until the next legislative day and the motion to postpone was adopted.

On motion of Mr. Harrison, the House resolved itself into a Committee of the Whole for the consideration of H. 180 and other bills relating to the general revenue of the State of Alabama. Speaker Walker, under rules of the House, appointed Representative Robertson (Cullman) as Chairman of the Committee of the Whole.

COMMITTEE OF THE WHOLE

The House Committee of the Whole, with Chairman Robertson (Cullman) presiding, considered H. 180 and other measures relating to the general revenue of the State of Alabama.

On motion of Mr. Harrison the Committee of the Whole voted to report progress to the House and ask for further time.

RECONVENING OF HOUSE

The House was called to order by Speaker Walker. Chairman Robertson, chairman of the Committee of the Whole, reported progress and asked for further time, which was granted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following joint resolution:

By the Rules Committee:

S. J. R. 21. BE IT RESOLVED BY THE SENATE, the House concurring, that when the two houses adjourn today, they adjourn to meet again on Friday, March 6th, 1936, at ten A. M.

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Harrison the rules were suspended and the Resolution, S. J. R. 21, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following bill and ordered same sent forthwith to the House without engrossment:

By Mr. Rogers (Mobile):

S. 50. To amend Sections Eleven (11) and Fifteen and one-half (15½) of an act "To further regulate, provide for and require bonds of county officials and employees, and clerks, deputies and employees in county offices; to prescribe and provide for the fixing of the amount or amounts thereof and approving, filing and recording of such bonds; to provide for the payment of the premiums on certain of said bonds when the same are made in surety companies; to provide upon what conditions and the manner in which sureties on such bonds now in force or hereafter made may be discharged therefrom; and to provide for and prescribe the manner in which additional bonds may be required of such officials, employees, clerks, deputies and employees and in which such bonds now in force or hereafter made may be reduced and the sureties thereon discharged from liability beyond the amount of such reduced bonds and providing for the vacation of his office by the failure of such official, employee, clerk and deputy to make new or additional bonds required hereunder and for the appointment of his successor," approved April 20, 1933, and found in General and Local Acts of Alabama, Special Session 1933, pages 203-208 inclusive.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bill, the title to which is set out in the above and foregoing Message from the Senate, was read one time and referred to an appropriate Standing Committee as follows:

Judiciary—S. 50.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in the resolutions:

H. J. R. 16. Relative to memorializing congress to enact cer-

tain Legislation as may be necessary to abolish the Federal gasoline sales tax and to surrender to the State the power to tax said sales in the future.

Also:

H. J. R. 22. Relative to the death of Mr. B. A. Rogers of Florence, Alabama, a former member of the Senate.

And returns same herewith to the House.

J. E. Speight,
Secretary.

REPORT OF STANDING COMMITTEE ON ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Enrolled Bills reports that it has examined the following House joint resolution, and finds same correctly enrolled, to-wit:

H. J. R. 16. Urging Congress to repeal Federal Gasoline Tax.
Dan Gullett, Cook,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House joint resolution, the title to which is set out in the above and foregoing Report of the Standing Committee on Enrolled Bills.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House bill hereinafter mentioned was delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same:

Delivered to the Governor 11:20 o'clock A. M., March 5, 1936.
H. 20.

E. F. Taylor,
Clerk.

ADJOURNMENT

On motion of Mr. Harrison the House adjourned until 10 o'clock A. M., Friday, March 6, 1936.

NINTH DAY

House of Representatives,

Friday, March 6, 1936.

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. G. S. Frazer, pastor of St. Mark's Methodist Church, Montgomery, Ala.

ROLL CALL

On a call of the roll of the House the following members answered to their names:

Messrs.:

Mr. Speaker

Adams

Almon

Arnold

Austin

Bateman

Blann

Boswell

Braswell

Bridges

Britton

Buffington

Bulger

Burleson

Byars

Calhoun

Carter

Castleberry

Chichester

Connor

Cook

Cox

Davis

Delony

Denson

De Vane

Dominick

Doster

Douglass

Glover

Goodwyn

Goolsby

Hall

Hamner

Hanks

Hare

Harrison

Heflin

Hendley

Henson

Hill

Hodges

Hollis

Johnston

Jones

Kelly

Kirby

Langdon

Lee (Bullock)

Lee (Monroe)

Livingston

Long

Lusk

Matthews

Merrill

Miles

Miller

Moore

McDermott

McGowin

McPhaul

Norman (Bullock)

Norman (Lowndes)

O'Neal

Owen (Etowah)

Owens (Madison)

Parish (Henry)

Petrey

Poole

Posey (Walker)

Propst

Quarles

Rayburn

Reeder

Reid

Reynolds

Robertson (Cullman)

Robinson (Lowndes)

Sanderson

Shaver

Shipman

Sightler

Sparks (Barbour)

Sparks (Walker)

Spence

Staples

Steele

Street

Taylor

Terry

Tidmore

Todd

Tolbert

Tompkins

Toomer

Waldrep

Wallace

Welch

Whigham

Williams

Wright

A quorum was present.

REPORT OF STANDING COMMITTEE ON REVISION OF
JOURNAL

Mr. Speaker:

Your Standing Committee on the Revision of the Journal begs leave to report that said Committee in session has carefully examined the Journal of the House for the Eighth Legislative Day and finds same correct.

R. L. Tolbert,
Vice-Chairman.

The report of the Standing Committee on the Revision of the Journal was concurred in and adopted and the Journal of the House for the Eighth Legislative Day was approved.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following joint resolution:

By the Rules Committee:

S. J. R. 23. BE IT RESOLVED BY THE SENATE, the House concurring, that when the two Houses adjourn today, they adjourn to meet again Tuesday morning, March 10th, 1936, at 10 A. M.

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Harrison the rules were suspended and the resolution, S. J. R. 23, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following joint resolution:

By Mr. Walton:

S. J. R. 16. BE IT RESOLVED by the Senate of the State of Alabama, the House of Representatives concurring, that:

1. There is hereby established the Alabama Commission on Interstate Cooperation, which shall encourage and arrange conferences with officials of other states and of other units of govern-

ment; carry forward the participation of this state as a member of the Council of State Governments, both regionally and nationally; and formulate proposals for cooperation between this state and other states.

2. There is hereby established a standing Committee on Interstate Cooperation of the Senate, to consist of five Senators. The members and chairman of this committee shall be designated in the same manner as is customary in the case of the members and chairman of other standing committees of the Senate. The Lieutenant Governor may serve as one of the five members of this committee.

3. There is hereby established a similar standing Committee on Interstate Cooperation of the House of Representatives, also to consist of five members; and the members and chairman of this committee shall be designated in the same manner as is customary in the case of the members and chairmen of other standing committees of the House of Representatives.

4. The Said Commission on Interstate Cooperation shall be composed of fifteen members, namely:

The five members of the Committee on Interstate Cooperation of the Senate,

The five members of the Committee on Interstate Cooperation of the House of Representatives, and

Five officials of the state government named by the Governor, one of whom shall be designated by him as Chairman of the Commission.

The Governor shall be an honorary member of the Commission.

5. The Commission shall establish such committees as it deems advisable, to conduct conferences and to formulate proposals concerning subjects of intergovernmental cooperation. Subject to the approval of the Commission, the members of every such committee shall be appointed by the Chairman of the Commission. State officials who are not members of the Commission on Interstate Cooperation may be appointed as members of any such committee, but at least one member of the Commission shall be a member of every such committee. The Commission may provide such rules as it considers appropriate concerning the membership and the functioning of any committee which it establishes. The Commission may provide for advisory boards for itself and for its various committees, and for the service of private citizens on such boards.

6. The Commission shall report to the Governor and to the Legislature within fifteen days after the convening of each regular legislative session, and at such other times as it deems appropriate. Its members and the members of all committees which

it establishes shall serve without compensation, but they shall be paid their necessary expenses in carrying out their obligations under this act. The Commission may employ a secretary and a stenographer, it may incur such other expenses as may be necessary for the proper performance of its duties, and it may, by contributions to the Council of State Governments, participate with other states in maintaining the said Council's regional and central secretariats, and its other governmental services. The amount of such expenses shall not during any year exceed \$200.00 to be expended under the direction of the Governor.

7. The said standing Committee of the Senate and the said standing Committee of the House of Representatives, shall function during the regular sessions of the legislature and also during the interim periods between such sessions; their members shall serve until their successors are designated; and they shall respectively constitute the Senate and House Councils of the American Legislators' Association for this state. The term of each administrative member of the Commission shall extend until the next gubernatorial inauguration and thereafter until his successor is appointed.

8. The Secretary of State shall forthwith communicate the text of this measure to the Governor, to the Senate, and to the House of Representatives of each of the other states of the Union, and memorialize each legislature which has not already done so, to enact a law similar to this measure, thus establishing a similar commission with like duties and powers, and thus joining with this State in the common cause of reducing the burdens which are imposed upon the citizens of every state by governmental confusion, competition and conflict.

9. This Joint Resolution shall take effect immediately upon its passage by the Legislature.

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 16, set out in the above and foregoing Message from the Senate, was referred to the Standing Committee on Rules.

INTRODUCTION OF BILLS

On a call of counties, bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Propst:

H. 240. To amend Section 4 of an Act entitled an Act to provide for the public safety to regulate the operation of motor vehicles on the public highways; to provide for the registration and licensing of drivers or operators of motor vehicles and to fix the fees therefor. To authorize the State Highway Commission, with the approval of the Governor, to establish and promulgate reasonable rules and regulations concerning the operation of motor vehicles; to provide punishment and penalties for the violation of the provisions of this Act and of the rules and regulations authorized hereby; to provide for the suspension and revocation of drivers' licenses issued; to authorize the appointment or employment of the necessary officers and agents, and the purchase of the necessary equipment to make the provisions hereof effective; and to provide for the compensation of the officers and agents so employed; known as House Bill No. 545 (Approved September 2, 1935).

Public Roads and Highways.

By Mr. Robertson (Cullman) (with notice and proof):

H. 241. To create and establish a Board of Finance and Control in and for Cullman County, Alabama, to be composed of five members, one of whom shall be Chairman of said Board; to fix the qualifications of the Chairman and other members of the said Board; to abolish the Court of County Commissioners of Cullman County, Alabama; to designate the manner of constituting, selecting and appointing the first Board to hold office hereunder, and providing for the appointment of the first Chairman of the said Board by the Governor; to fix the term of office of the first Board holding office hereunder, and their successors in office; to provide for filling vacancies therein, to require the members elected, chosen or appointed hereunder to take the oath of office and give bond; to define the powers and duties of the said Board; to fix the compensation of the members hereof; to confer upon said Board all the jurisdiction, powers and authority that is now or may hereafter be granted by law to Courts of County Commissioners, Boards of Revenue, or other governing bodies of like name and authority in this state; to require the said Board of Finance and Control to employ a Clerk and a Supervisor of Roads and Bridges for the county, and to fix the duties, qualifications and compensations of such Clerk and Supervisor of Roads and Bridges, providing the manner of their payment, and to repeal all laws and parts of laws in conflict with the provisions of this Act; particularly and expressly repealing any and all laws constituting the Judge of Probate as principal judge and member of the Court of County Commissioners, granting judicial power, requiring reports from courts of said county, providing meeting place

and time of meeting of said Board. To provide for the election of all members of said Board at the expiration of the term of office of the first Board constituted hereunder.

Local Legislation No. One.

Notice and proof H. 241:

NOTICE

Notice is hereby given that a bill will be introduced at the coming special session of the Legislature of Alabama, to convene on February 11, or at any adjourned session thereof, to abolish the Court of County Commissioners of Cullman County and create a Board of Finance and Control, the substance of which bill will be as set out below.

A BILL TO BE ENTITLED, AN ACT

To create and establish a Board of Finance and Control in and for Cullman County, Alabama, to be composed of five members, one of whom shall be Chairman of said Board; to fix the qualifications of the Chairman and other members of the said Board; to abolish the Court of County Commissioners of Cullman County, Alabama; to designate the manner of constituting, selecting and appointing the first Board to hold office hereunder, and providing for the appointment of the first Chairman of the said Board by the Governor; to fix the term of office of the first Board holding office hereunder, and their successors in office; to provide for filling vacancies therein, to require the members elected, chosen or appointed hereunder to take the oath of office and give bond; to define the powers and duties of the said Board; to fix the compensation of the members hereof; to confer upon said Board all the jurisdiction, powers and authority that is now or may hereafter be granted by law to Courts of County Commissioners, Boards of Revenues, or other governing bodies of like name and authority in this state; to require the said Board of Finance and Control to employ a Clerk and a Supervisor of Roads and Bridges for the county, and to fix the duties, qualifications and compensations of such Clerk and Supervisor of Roads and Bridges, providing the manner of their payment, and to repeal all laws and parts of laws in conflict with the provisions of this Act; particularly and expressly repealing any and all law constituting the Judge of Probate as principal judge and member of the Court of County Commissioners, granting judicial power, requiring reports from courts of said county, providing meeting place and time of meeting of said Board.

To provide for the election of all members of said Board at the expiration of the term of office of the first Board constituted hereunder:

Be it Enacted by the Legislature of Alabama:

Section 1. There is hereby created and established in and for the County of Cullman, State of Alabama, a Board of Finance and Control of said Cullman county, to be composed of five members, one of whom shall be the chairman of said Board, and all of whom shall be qualified voters of said county.

Section 2. That upon the approval of this Act, the Court of County Commissioners of Cullman County, Alabama, as now constituted be and the same is hereby abolished and the same shall cease to exist in and for Cullman County, Alabama.

Section 3. The members of the Court of County Commissioners of Cullman County, as now constituted, who are now qualified and serving as members of said Court, shall, with the addition of a chairman to be appointed by the Governor, constitute the first Board of Finance and Control under the provisions of this Act; and the said members of the Court of County Commissioners shall hold office as members of the said Board of Finance and Control until the expiration of the respective terms for which they have heretofore been elected as members of the Court of County Commissioners. The chairman of the herein constituted Board of Finance and Control shall be appointed by the Governor immediately upon the passage and approval of this Act, and his term of office shall expire with that of the other members of the Board of Finance and Control herein constituted.

Section 4. At the general election to be held in November, 1936, and each four years thereafter a chairman and four members of said Board of Finance and Control shall be elected by the qualified voters of Cullman county in the same form and manner as other county officers are elected and shall assume the duties of their respective offices on the first Monday after the second Tuesday in January following their election. Any vacancies that may occur on the said Board shall be filled by appointment by the Governor.

Section 5. That the said Board of Finance and Control shall have the power and authority to direct and control the property of the county as it may deem expedient and according to law; to levy general and special taxes for particular county purposes according to the provisions of the laws of the State of Alabama, general or special; to examine, settle and allow accounts and claims chargeable against the county; to examine and audit accounts of all officers having the management, collection or disbursement of money belonging to the county or appropriated for its use or benefit.

Section 6. That the said Board shall have all of the jurisdiction and all of the powers which are now or may hereafter be by law vested in the Courts of County Commissioners of this State, and the several members of the said Board of Finance and Control of Cullman County shall respectively perform all the duties and services and render all the powers which are or may be required by law of the members of the Courts of County Commissioners.

Section 7. That all the general laws heretofore and hereafter enacted by the Legislature of Alabama, in relation to the jurisdiction, powers, authorities or duties of County Commissioners in this State, shall apply to the said Board of Finance and Control of Cullman County, except so much of the said general laws as may relate to the mode of selection of said Court of County Commissioners, provided that this Act shall not be construed to impair the jurisdiction and authority of the said Board.

Section 8. That the said Board shall have the power and authority to compromise the outstanding debts of Cullman County, to examine into and pass upon the regularity of warrants already issued, to classify and register outstanding warrants, and may pledge the credit of the county to raise money to discharge the same as it is now or may hereafter be provided by law.

Section 9. That the Chairman of the said Board of Finance and Control is required to give his entire time and attention to the business of said Board. He shall sign the minutes of the proceedings of the said Board and shall sign all warrants drawn on the County Treasury, or orders for the payment or disbursement of money or funds for the county. It is hereby made the duty of the said Chairman to receive and prepare the business and obtain information for the sessions of the said Board, and to see to the execution of all orders of the said Board.

Section 10. That a majority of the said Board shall constitute a quorum for the conducting of business, and no funds belonging to the county shall

be drawn out or paid out except as authorized by the said Board of Finance and Control.

Section 11. The minutes and records of the proceedings of the said Board shall be entered in a well bound volume provided for that purpose, which said records shall be kept in the office of the Board of Finance and Control of said county, and shall be open at all reasonable hours to the inspection of the citizens of the said county. The minutes of the said Board shall be recorded in the minute book provided for that purpose within five (5) days from the adjournment of any meeting of the said Board, regular or special.

Section 12. Said Board of Finance and Control shall be a court of record when acting a judicial capacity.

Section 13. It shall be the duty of the Clerk of each Court of the said County and of the Register in Chancery to render to the said Board of Finance and Control, within ten (10) days after adjournment of each term of said Court, a list under oath of all fines and forfeitures taken and judgments rendered during such term, for the use of the said county.

Section 14. The said Board of Finance and Control shall hold its sessions or meetings at the Court House in and for Cullman County.

Section 15. The Chairman of said Board of Finance and Control shall receive a compensation of \$150.00 monthly; and the associate members shall receive \$5.00 per day for each day's service, not in excess of \$75.00 in any one month. Said Board of Finance and Control shall hold regular meetings on the first Monday in each month, remaining in session as many days as may be necessary, and may hold special meetings at the call of the Chairman. Said Board shall employ a clerk who shall also give his entire time to the duties of the office and shall receive as compensation a salary not in excess of \$100.00 per month, and all the salaries specified herein shall be payable by warrants drawn by the Chairman upon the general funds of the county. The said clerk shall keep a minute book accurately showing all the proceedings of said Board at all sessions that may be held; he shall list and present to the Board all claims, of whatever nature, that may have been filed against the county; and he shall also keep a complete record of all county receipts, of all sources, of all county funds; also an accurate record of all disbursements, and must be prepared, at all times, to show the exact financial condition of the county.

Section 16. Each member of said Board is hereby required, before entering upon the duties of his office, to make and file the statutory oath of office together with a bond with good and sufficient sureties, to be approved as now provided by law, payable to Cullman County, Alabama, and conditioned for the faithful performance of the duties of their respective offices. Said bond and oath to be filed and recorded in the office of the Judge of Probate of said County. The bond of the Chairman of the said Board is hereby fixed at Five Thousand (\$5,000.00) Dollars, and the bonds of the other four members of the said Board are hereby fixed at One Thousand (\$1,000.00) Dollars, each.

Section 17. The Board of Finance and Control shall hold regular meetings on the first Monday in each month and may hold special meetings at any time on the call of the Chairman of the Board, or of three members entered in writing on the minutes of the Board.

Section 18. The said Board of Finance and Control shall employ a supervisor of roads and bridges for Cullman County and pay him a salary not in excess of \$2400.00 per year out of the road funds of said county. The said supervisor of roads and bridges must have had not less than three years practical experience in road building and be qualified to intelligently direct the construction, repair and maintenance of roads and bridges in the county. He shall have entire charge of the road employees of the county and shall

supervise the employment or discharge of all foremen and laborers employed on the roads of the county, and shall fix their compensation. For his acts as such supervisor he shall be responsible to the Board of Finance and Control and shall give such bond as the said Board of Finance and Control may require from him. He shall, by and with the advice of the Board of Finance and Control, purchase all necessary road machinery, material, supplies, and equipment necessary and desirable in and about the work of the roads and bridges of Cullman county, and shall be held responsible for the proper care and preservation of such equipment. All changes in roads, or matters of special or particular nature, must be passed on by the Board of Finance and Control. Said supervisor of roads and bridges may be allowed not in excess of \$50.00 monthly for expenses.

Section 19. That it shall be the duty of said Board of Finance and Control to publish between the first and fifteenth days of January and July, in each year, in some newspaper published in Cullman county, an itemized statement showing all receipts and disbursements of all the funds of said Cullman county, together with the balances remaining in such fund; the said statements so published to show each and every item paid, to whom paid, and for what purpose paid. The cost of said publication shall be not more than the regular rate and shall be paid out of the general funds of said county. Any member of the said Board failing to vote for the publication of the report specified in this section shall be punished as provided by law.

Section 20. That it shall be the duty of the said Board of Finance and Control to pay for all road work, materials, machinery, supplies, repairs and salaries incident to the construction, repair and maintenance of roads and bridges, out of the road funds of Cullman county; and it shall be a misdemeanor for the said Board to expend any road funds for any purpose other than the repair, construction and maintenance of roads and bridges, for the payment of interest, or other indebtedness previously incurred, which must be a legal obligation against the road funds of said county. It shall be the further duty of the said Board to expend not less than one-third of all the road revenue accruing to the county for some form of improved roads, either stone, gravel or tar top macadam; and the said improved roads must be built under the direction of the county road supervisor; and if built by contract, the contract must be let to the lowest bidder, after due notice has been given.

Section 21. In pursuance of their authority as trustees of the property of the county, the said Board of Finance and Control shall provide for themselves a suitable office in the courthouse of said Cullman County, which office shall at all times of the day, within reasonable hours, be open to the public, with either the clerk or the chairman of said Board on duty in said office. The chairman of said Board shall sign, as expressing his approval, all minutes of any meeting that may be held, and the said chairman shall, from time to time, inspect the roads of the county, and with the advice and assistance of associate members maintain general supervision over the work that is being done, the condition of the roads and needs thereof, throughout the county.

Section 22. All purchases, contracts for purchases, contracts for work or labor, and contracts for the expenditure of money, for, or on behalf of the county, must have the approval of the Board of Finance and Control before such purchases or contracts are made, which approval must appear on the minutes of the Board of Finance and Control. Provided, however, that any member of the Board of Finance and Control may make purchases, contracts for purchases, contracts for work or labor, and contracts for expenditure of money, when the amount involved is not more than fifty (\$50.00) dollars, without first having obtained the approval of the Board of Finance and Control; provided an emergency makes it necessary that such purchases or contracts be made without delay, as in cases of repair of the county's

road machinery, automobiles, trucks and bridges, and such emergency purchases and contracts must be reported in writing and in detail to the Board of Finance and Control for consideration, by the member making them, within three days thereafter.

Section 23. That upon the approval of this Act, the Court of County Commissioners of said Cullman county, Alabama, as now constituted shall be abolished and shall cease to exist in and for said County; and the Probate Judge of Cullman county, Alabama, shall not be a member nor an ex-officio member nor Chairman of said Board of Finance and Control nor receive any compensation or salary as a member nor an ex-officio member nor Chairman nor as principal Judge nor have nor exercise any jurisdiction, authority, powers or perform any of the duties of said Board of Finance and Control or of any member thereof.

Section 24. Should any section or part of this Act be declared unconstitutional, the other parts of the Act shall nevertheless remain in full force and effect, the Legislature of Alabama hereby declaring that it would have passed said Act without such invalid part or parts.

Section 25. That all laws and parts of laws, local, general or special, in conflict with the provisions of this Act be and the same are hereby repealed.

Section 26. That all provisions of this Act shall become effective upon its passage and approval by the Governor.

M. L. ROBERTSON,
Representative Cullman County.

13feb-4.

THE STATE OF ALABAMA, }
CULLMAN COUNTY. }

Before me Florence McNabb a Notary Public in and for said County and State, personally appeared Maurice Norwood, Publisher of THE CULLMAN TRIBUNE, a weekly newspaper published in Cullman, Cullman County, Alabama, and being duly sworn, says that the notice of which the attached is a true copy, was published in said newspaper, once a week, for 4 consecutive weeks and being in the issues of said newspaper of the following dates, viz: Feb. 13, 20, 27, March 5, 1936.

Maurice Norwood,
Publisher.

Sworn to and subscribed before me this the 5th day of March, 1936.

Florence McNabb,
Notary Public.

By Mr. Castleberry:

H. 242. To prohibit in all counties which now have or which may hereafter have a population of more than 25,000 and less than 26,000 inhabitants according to the last or any subsequent Federal census, the catching, capturing, killing or pursuing with intent to catch, capture or kill, by any means, wild hogs, unmarked, except during the month of December.

Local Legislation No. One.

By Mr. Hill:

H. 243. To amend, by adding Section 4½ and amending Section 5, an Act entitled: "An Act in relation to the public school system of Alabama: To make appropriations and provide funds

for the support, maintenance, and development of the public school system of the State. (Approved September 2, 1935.)”
Education.

By Mr. Hill:

H. 244. To amend Sub-section D of Section 1 of an Act entitled: “An Act in relation to the educational system of Alabama: To make annual appropriations and provide funds for the support, maintenance and development of public education in Alabama, for the fiscal years ending September 30, 1936, 1937, 1938 and 1939, including all schools, agencies, services and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, the Alabama School of Trades & Industries, the Alabama College, the Alabama Polytechnic Institute and the University of Alabama. (Approved September 2, 1935.)”

Appropriations.

By Mr. Taylor:

H. 245. Prohibiting employers of labor from interfering with the political activities of their employees and providing penalties for a violation thereof.

Revision of Laws.

By Mr. Taylor:

H. 246. To regulate the operation of any public or private amusement place in all counties in the State of Alabama, having a population of not less than 110,000 nor more than 200,000 according to the last or any subsequent Federal census, and to fix a penalty for the violation thereof.

Local Legislation No. One.

By Mr. Staples (with notice and proof):

H. 247. To authorize Mobile County, in the State of Alabama, to issue bonds from time to time, not exceeding in the aggregate \$1,600,000.00, which bonds, or the proceeds thereof, shall be used exclusively for paying valid and enforceable unbonded obligations of Mobile County, and unbonded obligations of Mobile County which would be valid and enforceable but for the provision or provisions of the Constitution of Alabama of 1901 fixing the debt limit of said county, and all past due interest and principal on any valid and enforceable bonded obligations of said county existing on September 30th, 1936; to provide the manner, method, interest rate, maturity, and all necessary details relative to the issuance and selling of such bonds and the retirement thereof; to provide for the manner and method of retiring the obligations which are to be refunded hereunder; to provide that the holder

of any such unbonded obligation entitled to be refunded under this act, existing on the 30th day of September, 1936, and not registered with the Treasurer of Mobile County, must present the same for registration to the Treasurer of Mobile County, on or before the 1st day of November, 1936, or the same shall not be entitled to the benefits of this act; to provide what notice shall be given to the holders of such unbonded and unregistered obligations existing on the 30th day of September, 1936; and to provide that the invalidity or unconstitutionality of any section, clause, or provision of this act shall not affect the validity or constitutionality of any other section, clause, or provision hereof; and to provide for the repeal of all laws or parts of laws, special, general, local, or private, in conflict with the provisions of this act."

Local Legislation No. One.

Notice and proof H. 247:

NOTICE

Notice is hereby given that application will be made to the next special session of the Legislature of Alabama for the passage of a bill in substance as follows:

A BILL TO BE ENTITLED AN ACT

"An act to authorize Mobile County, in the State of Alabama, to issue bonds from time to time, not exceeding in the aggregate \$1,600,000.00, which bonds or the proceeds thereof, shall be used exclusively for paying valid and enforceable unbonded obligations of Mobile County, and unbonded obligations of Mobile County which would be valid and enforceable but for the provision or provisions of the Constitution of Alabama of 1901 fixing the debt limit of said county, and all past due interest and principal on any valid and enforceable bonded obligations of said County existing on September 30th, 1936; to provide the manner, method, interest rate, maturity, and all necessary details relative to the issuance and selling of such bonds and the retirement thereof; to provide for the manner and method of retiring the obligations which are to be refunded hereunder; to provide that the holder of any such unbonded obligation entitled to be refunded under this act, existing on the 30th day of September, 1936, and not registered with the Treasurer of Mobile County, must present the same for registration to the Treasurer of Mobile County, on or before the 1st day of November, 1936, or the same shall not be entitled to the benefits of this act; to provide what notice shall be given to the holders of such unbonded and unregistered obligations existing on the 30th day of September, 1936; and to provide that the invalidity or unconstitutionality of any section, clause, or provision of this act shall not affect the validity or constitutionality of any section, clause, or provision hereof; and to provide for the repeal of all laws or parts of laws, special, general, local, or private, in conflict with the provisions of this act."

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Mobile County, in the State of Alabama, acting through its Board of Revenue and Road Commissioners, is hereby authorized to issue bonds from time to time not exceeding in the aggregate \$1,600,000.00, which bonds, or the proceeds thereof, shall be used exclusively for paying valid and enforceable unbonded obligations of Mobile County, and unbonded obligations of Mobile County which would be valid and enforceable but for the provision or provisions of the Constitution of Alabama of 1901 fixing the debt limit of said county, and all past due interest and principal on any valid and enforceable bonded obligations of said county, existing on September 30th, 1936.

Section 2. The bonds hereby authorized shall be issued in such denominations and at such time or times and with such maturities and interest rates as may from time to time be determined by the said Board of Revenue and Road Commissioners of Mobile County, provided, however, that none of said bonds shall be payable earlier than three years after the date of said bonds nor later than thirty years after the date thereof. Said bonds shall be subject to and governed by Article V, and amendments thereto, of the Act of the Alabama Legislature approved September 10th, 1927, known as The Municipal Bond Code, except as otherwise herein provided.

Section 3. The Board of Revenue and Road Commissioners of Mobile County may pay the obligations of said county subject to this act, either by an exchange thereof of bonds authorized to be issued hereunder, dollar for dollar, or by appropriating the proceeds from the sale of any of said bonds to the payment of said obligations, or by both methods. Any obligation of the county subject to the provisions of this act may likewise be paid, prior to maturity, as provided in this section, provided that the holder thereof consents thereto.

Section 4. Said Board of Revenue and Road Commissioners of Mobile County shall have the right from time to time, when it deems such action to be the best interest of Mobile County to amend, alter, or change previous resolutions relative to the retiring of obligations of Mobile County subject to the provisions of this act, provided that no amendment, alteration, or change of any such resolution shall affect any vested right.

Section 5. The said Board of Revenue and Road Commissioners shall ascertain, and by appropriate resolution declare, what bonds issued hereunder, and the interest thereon, shall be payable out of the general fund of the county and what bonds issued hereunder, and the interest thereon, shall be payable out of the special 2½ mill tax of said county generally known as the "Road and Bridge Tax" levied under the authority of section 215 of the Constitution of Alabama of 1901, provided that if at any time it shall appear that prompt payment of the principal or interest may be better provided by using a different method said Board of Revenue and Road commissioners may adopt such method, within the limits authorized by law, as may be deemed by said board advisable.

Section 6. Any unbonded obligation of Mobile County authorized to be refunded hereunder that has not been registered by the Treasurer of Mobile County, and existing on the 30th day of September, 1936, must be presented to such Treasurer for registration on or before the first day of November, 1936. Any such obligation not presented to said Treasurer within said time for registration shall not be entitled to the benefits of this act. During the month of September, 1936, the Treasurer of Mobile County must publish once a week for four consecutive weeks, at the expense of Mobile County, in some daily newspaper published in Mobile County and of general circulation therein, a notice that the holder of any such valid and enforceable unbonded obligation of Mobile County, and of any unbonded obligation of Mobile County which would be valid and enforceable but for the provision or pro-

visions of the Constitution of Alabama of 1901 fixing the debt limit of said county, and existing on the 30th day of September, 1936, which has not been registered by the Treasurer of Mobile County, must present the same for registration to the Treasurer of Mobile County on or before the first day of November, 1936, or the same shall not be entitled to the benefits of this act. Nothing in this section, however, shall exempt the holder of any such obligation from the necessity of filing his claim with the Board of Revenue and Road Commissioners of Mobile County for allowance by that body where such claims are required by law to be allowed by said body.

Section 7. Said Board of Revenue and Road Commissioners of Mobile County may forthwith, after the first day of November, 1936, proceed to issue bonds hereunder in order that the obligations of such county existing on the 30th day of September, 1936, which are subject to the provisions of this act, may be retired at the earliest times practicable.

Section 8. The words "Board of Revenue and Road Commissioners of Mobile County" wherever herein used shall refer to and apply to any other board, body, or court that may become the governing body of Mobile County.

Section 9. That if any section, clause, or provision of this act shall be held or declared to be void or unconstitutional it shall not affect or destroy the validity or constitutionality of any other section, clause, or provision of this act which is not, of itself, void or unconstitutional, but the same shall remain in full force and effect.

Section 10. That all laws or parts of laws, special, general, local, or private, in conflict with the provisions of this act, are hereby repealed.

Section 11. This act shall become effective upon its approval by the Governor.

PROOF OF PUBLICATION

STATE OF ALABAMA }
COUNTY OF MOBILE }
CITY OF MOBILE }

Personally appeared before me, Greg. L. Kenny, a Notary Public in and for Mobile County, Alabama, J. T. Watters, who being first duly sworn, states that he is co-publisher of THE MOBILE TIMES and that the annexed publication has been regularly made once a week for 4 consecutive weeks, to-wit: On February 10, 17, 24, March 2, 1936 respectively, of THE MOBILE TIMES, a newspaper printed and published in the City and County of Mobile, and State aforesaid.

J. T. Watters
Co-publisher

Sworn to and Subscribed before me, this 3 day of March, A.D., 1936

Greg. L. Kenny
Notary Public

(Seal)

By Mr. Reid:

H. 248. To authorize and empower Boards of Revenue, Commissioners Courts or other like governing bodies of the several counties of the State to divert one-sixth of the gasoline tax fund now received by said counties from Road and Bridge Building and Maintenance Fund to a fund for relief to match relief funds of the State and Federal Government.

Ways and Means.

By Mr. Hanks:

H. 249. To repeal Chapter 167 Code of Alabama 1923, relative to intoxicating and prohibited liquors.

Temperance.

By Mr. Arnold:

H. 250. To regulate the sale, transfer and possession of certain types of firearms; to provide for the licensing of dealers and owners of such firearms; to fix rules of evidence in the Courts of this State in prosecutions for violations of this Act; to prescribe penalties for the violations of any provision herein and to make uniform the law with reference thereto.

Judiciary.

By Mr. Douglass:

H. 251. To provide for and regulate the compensation allowed Guardian Ad Litem in all counties of the State of Alabama having a population of 300,000 or more persons according to the last or any subsequent Federal census.

Local Legislation No. Two.

BILLS ON SECOND READING

Mr. Welch, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Long:

H. 229. To amend Section 216 of an Act entitled "To provide for the general revenue of the State of Alabama", approved July 10, 1935.

Mr. Glover, Chairman of the Standing Committee on Local Legislation No. One, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. Langdon (with notice and proof):

H. 232. To relieve all Persons in any Municipality, In Pickens County, Alabama, Of and from any and all legal obligation to work on the Streets, in any municipality of Pickens County, Ala., or to pay any money in Lieu of such Obligation. To prohibit the Levying or collecting of Street Tax, whether the same is now due or is hereafter to become due.

By Mr. Langdon (with notice and proof):

H. 231. To require the Commissioners Court, or like governing Body of Pickens County, Alabama, to approve and Pay for Advertising The Notice and Substance of local bills to be introduced in the legislature for said county, when due proof has been made of the correctness of the charges for advertising as other claims against the county are. This act shall apply to and include the notice and substance of bills advertised prior to and during the present session of the legislature. This Act shall apply to Local Bills only that have the approval of the Representative of Pickens County.

By Mr. Langon (with notice and proof):

H. 233. To relieve all persons in Pickens County, Alabama, of any legal obligation to work on the public roads in said county, or to pay any money in lieu of such obligation to work on the public roads in Pickens County, Alabama.

By Mr. Robertson (Cullman) (with notice and proof):

H. 205. To require the Court of County Commissioners or Board of Finance and Control of Cullman county, Alabama, or other like governing body of said county to pay for the publishing of the notices of each and every local bill, for or which applies alone to the said County of Cullman, which is hereafter introduced at present session or any subsequent session of the Legislature of Alabama, when said bill is passed and becomes a law; and providing payment of the same out of money in the general fund of said county not otherwise appropriated, and providing the method of filing such claim.

By Mr. Henson (with notice and proof):

H. 235. To prohibit fishing or catching fish from the waters in Washington County, Alabama, on Sunday, and to provide for its enforcement and penalties for its violation.

By Messrs. Kirby and O'Neal (with notice and proof):

H. 210. To repeal an Act to authorize the Board of Revenue, County Commissioners or other like governing body of Jackson County, Alabama to levy and collect an excise tax on gasoline, woco pep or any substitute therefor, not to exceed three cents per gallon. To authorize such Court of County Commissioners Board of Revenue or other like governing body of said County to provide the necessary machinery for collecting said tax for the distribution of said tax to prohibit any incorporated city or town in said County from levying municipal tax on said gasoline, woco pep or any substitute therefor which may be levied by any incorporated city or town in said County to provide for the use of said excise

tax and to provide a penalty for the failure to pay the said tax required of the said governing board of said County on page 185 of the local Acts of 1927 and approved August 11, 1927.

Mr. Wallace, Chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with substitute:

By Mr. Wallace (with substitute):

H. 199. To amend Section 2 of Article 2 of an Act of the Legislature of Alabama approved October 28, 1932, entitled "An Act defining contract carriers and common carriers by motor vehicle not subject to the provisions of the Alabama Motor Carrier Act of 1931; to authorize, regulate and govern the transportation for hire of persons and property on public highways by motor vehicles operated by such contract carriers and common carriers; to authorize, regulate and govern the issuance of permits therefor; to regulate and govern the rates and practices of such carriers; to provide for the payment of fees, and for the payment of excise taxes for the use of the public highways by such contract carriers and common carriers, and to provide for the disposition thereof; to enlarge the powers and duties of the Alabama Public Service Commission and Probate Judges of the State with respect to permits issued to and the regulation and control of such carriers, and to provide for the payment of fees to such Probate Judges; to provide for the appointment of resident agents (upon whom service of process may be had) of such contract carriers and common carriers who may be non-residents of the State; to authorize municipalities in this State to prescribe license taxes to be paid by such contract carriers and common carriers; to prescribe and regulate the practice and procedure before the Alabama Public Service Commission with respect to said carriers, and to authorize and prescribe appeals from rulings with respect to such carriers, and to regulate injunctions and like orders respecting the same; and to provide for the enforcement, and to prescribe punishment and penalties for the violation of this Act;" and to exempt motor vehicles while being used exclusively for the transportation of school children and school teachers to and from school or while being used for any school purpose or any public or community purpose at the direction of or by authority of the superintendent of education having supervision over the school or schools regularly served by such motor vehicles from any license tax or registration fee as a contract carrier or common carrier or jitney bus, and to make provision for special license tags to be provided at state expense for such motor vehicles; and to exempt from the provisions of said Act approved October 28, 1932, all motor vehicles while en-

gaged in hauling Agricultural products, Dairy products, Livestock and Forest products from any point of loading to any point of unloading, where the distance from point of loading to point of unloading is not over fifty miles measured by the route over which said products are hauled.

The above and foregoing bills were severally read a second time and placed on the Calendar.

On motion of Mr. Harrison, the House resolved itself into a Committee of the Whole for the consideration of H. 180 and other revenue bills relating to the general revenue of the state of Alabama. Speaker Walker, under rules of the House, appointed Representative Robertson (Cullman) as Chairman of the Committee of the Whole.

COMMITTEE OF THE WHOLE

The House Committee of the Whole, with Chairman Robertson (Cullman) presiding, considered H. 180 and other measures relating to the general revenue of the State of Alabama.

On motion of Mr. Harrison the Committee of the Whole voted to report progress to the House and ask for further time.

RECONVENING OF HOUSE

The House was called to order by Speaker Walker. Chairman Robertson, Chairman of the Committee of the Whole, reported progress and asked for further time, which was granted.

Mr. Robertson (Cullman) offered the following Resolution:

By Mr. Robertson (Cullman):

H. R. 23. RESOLVED by the House of Representatives, that the Director of the Extension Service of the United States and the State of Alabama, and the Comptroller of the State of Alabama, are hereby requested to advise the House of Representatives, as promptly as possible, how much was contributed by the United States Federal Government, the State of Alabama, and the several Counties of the State of Alabama, respectively, towards the payment of the payroll below, showing just what each Farm Demonstration Agent and each Home Demonstration Agent received during the month of December, 1934 and during the month of December, 1935, and what part of their salary and expenses during each of said months was paid by the United States Federal Government, the State of Alabama, and the County in which said Agents were employed, and advise the House whether or not the payroll which was printed in the Birmingham News of Friday, February 21, 1936, was a correct payroll:

FARM DEMONSTRATION AGENTS

NAME	DEC. 1934	DEC. 1935
H. C. Appleton	\$181.67	\$256.67
A. H. Barnett	225.00	300.00
C. H. Beddingfield	287.49	387.50
C. J. Brockway	350.00	390.00
H. H. Best	181.67	256.67
John Blake	223.33	298.83
E. R. Carlson	201.67	266.67
J. E. Carter	250.00	325.00
W. T. Cheney	200.00	287.50
W. T. Coker	190.00	265.00
F. C. Clapp	190.00	275.00
A. B. Culpepper	215.00	340.00
S. M. Day	100.00	175.00
S. R. Doughty	200.00	325.00
Clyde Dunn	241.66	316.66
L. A. Edmundson	223.35	298.53
F. N. Farrington	287.50	367.50
A. Q. Edmundson	215.00	290.00
J. C. Ford	252.60	327.50
W. H. Gregory	250.00	358.83
E. E. Hale	286.57	361.66
A. G. Harold	229.56	304.66
H. C. Heath	208.43	283.33
O. C. Helms	252.50	327.50
C. L. Hollingsworth	202.50	277.50
L. M. Hollingsworth	200.00	275.00
C. S. Keller	240.00	265.00
A. A. Lauderdale	200.00	265.00
J. L. Dawson	265.00	348.83
H. M. Lewis	200.00	
J. L. Liles	310.84	345.64
J. A. McLeod	190.00	270.00
J. B. Mitchell	\$287.50	\$362.50
J. H. Nunn	200.00	275.00
F. H. Orr	226.67	138.33
J. W. Pate	198.59	273.60
G. B. Phillips	265.58	340.58
R. M. Reaves	265.56	
F. A. Rew	177.50	265.00
L. C. Rew	181.66	256.66
J. R. Robinson	181.66	306.66
J. W. Saratin	50.00	50.00

NAME	DEC. 1934	DEC. 1935
L. S. Self	266.67	341.67
W. B. Story	181.66	281.66
W. D. Thomason	225.00	300.00
F. M. White	200.00	275.00
W. P. Whitlock	216.67	291.67
H. H. Williamson	223.43	298.33
R. D. Winch	187.50	262.50
J. D. Wood	297.50	300.00
T. L. Wright	227.50	302.50
J. F. Yarbrough	216.66	291.67
B. G. Hall	207.75	290.00
T. S. Morrow	207.75	290.00
H. R. Bailey	291.67	366.67
C. T. Bailey	216.66	350.00
H. L. Eubanks	191.66	266.66
H. D. Sexton	200.00	275.00
J. W. Fant	191.66	266.66
M. M. Woodham	216.66	291.66
C. M. Ling	225.00	300.00
W. A. Ruffin	225.00	300.00
V. R. Green	221.66	291.67
B. H. Halsten	275.00	350.00
J. W. Matthews	256.66	331.66
T. W. Lumpkin	200.00	200.00
A. W. Jones	252.50	227.50
A. C. Allen	174.83	
T. A. Carnes	191.56	
E. N. Meriweather	200.00	275.00
F. H. Orr	226.67	
B. W. Appleton		133.33
C. E. Edge		266.67
O. V. Hill		265.00
W. L. McArthur		316.67
J. E. Morris		333.33
P. R. Pettis		200.00
M. F. Whatley		310.00
F. B. Wilkerson		150.00

HOME DEMONSTRATION AGENTS

NAME	DEC. 1934	DEC. 1935
Cindy Lester	\$118.34	\$293.33
Verna Patterson	152.50	227.50
Kirtis Martin	112.50	187.50
Pauline Holland	137.50	212.50

NAME	DEC. 1934	DEC. 1935
Mabel L. Feagin	109.50	182.50
Jane Yarbrough	134.16	219.16
Bessie E. Barker	112.50	187.50
Ruth Pardue	112.50	187.50
Mrs. J. E. S. Rudd	108.30	183.33
Mildred Bynum	110.80	185.34
Lucille Braswell	127.50	202.50
Ella Hamilton	112.50	187.50
Martha Alford	\$125.01	200.00
Allye Hughes	112.50	200.00
Ida Brunson	115.84	190.83
Mrs. Glenn Rounds	140.50	217.50
Lavada Curtis	137.50	212.50
Mrs. A. S. Breeden	187.50	272.50
Mrs. Lida Jones	137.50	212.50
Elta Majors	145.83	220.93
Mrs. D. D. Williams	142.50	222.50
Bernice Pruitt	125.03	200.00
Mamie Mathews	122.50	197.50
Mrs. W. G. Pruitt	112.50	187.50
Gladys McCain	188.50	263.50
Essie C. Hester	157.50	212.50
Cecile Hester	142.50	217.50
Mary M. Bailey	157.50	232.52
Marion W. Cpidle	162.50	237.50
Lorene Etheridge	137.50	212.50
Mildred R. Simon	125.00	187.50
Elisabeth DeLong	145.83	
Lois Miller	137.50	212.50
Louise M. Riley	171.50	246.50
Lucille Garrett	179.16	212.50
Mamie C. Thorington	287.50	287.50
Erien Rowe	162.50	237.50
Catherine Haynes	112.50	187.50
Carrie B. Threaton	132.50	228.83
Frances Crawford	145.83	207.00
Harriet Plowden	129.17	179.16
Meta E. Grace	142.50	217.50
Elisabeth Collins	178.75	253.73
Lillie M. Alexander		237.50
Pearl Rowe	227.50	227.50
Elisabeth Camp		117.50

On motion of Mr. Robertson (Cullman), the rules were suspended and the resolution, H. R. 23, was adopted.

BILLS ON THIRD READING

H. 151. To allow the Sheriff of DEKALB COUNTY, Alabama, an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of DeKalb County in monthly installments.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Cox	Kirby	Sanderson
Adams	Davis	Langdon	Shaver
Almon	De Vane	Livingston	Sightler
Arnold	Douglass	Long	Spence
Austin	Glover	Lusk	Staples
Bateman	Goodwyn	Miles	Steele
Blann	Goolsby	Moore	Street
Boswell	Hall	McDermott	Taylor
Bridges	Hanks	O'Neal	Terry
Britton	Hare	Parish (Henry)	Todd
Buffington	Heflin	Petrey	Tolbert
Bulger	Henson	Poole	Toomer
Byars	Hill	Propst	Wallace
Carter	Hodges	Reeder	Welch
Chichester	Hollis	Reid	Williams
Connor	Jones	Reynolds	Wright
Cook	Kelly		

—66

On motion of Mr. Tolbert the bill, H. 151 was ordered sent forthwith to the Senate without engrossment.

S. 29. To require the Court of County Commissioners, or like governing body of Chilton County, to appropriate annually out of the general fund of the County a sum not less than Three Thousand (\$3,000.00) Dollars; such sum to be a preferred claim and payable to the budget of the Chilton County Health Department for the establishment, maintenance and operation of a health department in said county.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Boswell	Chichester	Glover
Adams	Bridges	Connor	Goodwyn
Almon	Britton	Cook	Goolsby
Arnold	Buffington	Cox	Hall
Austin	Bulger	Davis	Hanks
Bateman	Byars	De Vane	Hare
Blann	Carter	Douglass	Heflin

Henson	Lusk	Reid	Taylor
Hill	Miles	Reynolds	Terry
Hodges	Moore	Sanderson	Todd
Hollis	McDermott	Shaver	Tolbert
Jones	O'Neal	Sightler	Toomer
Kelly	Parish (Henry)	Spence	Wallace
Kirby	Petrey	Staples	Welch
Langdon	Poole	Steele	Williams
Livingston	Propst	Street	Wright
Long	Reeder		

—66

S. 30. To require the Court of County Commissioners or like governing body of Chilton County Alabama to establish and make payment of an Agricultural Fund for the purpose of paying salaries and travel of a County agricultural Agent, County Home Demonstration Agent, an Assistant County Agricultural Agent in 4-H club work and the salary of a Clerical Assistant to provide for the appointment and duties of a County Agricultural Agent, a County Home Demonstration Agent, an Assistant County Agricultural Agent in 4-H Club work, and a Clerical Assistant to provide necessary expenses to provide out of what funds and in what order of preference said Agricultural Fund shall be paid, to provide when this act shall take effect.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:			
Mr. Speaker	Cox	Kirby	Sanderson
Adams	Davis	Langdon	Shaver
Almon	De Vane	Livingston	Sightler
Arnold	Douglass	Long	Spence
Austin	Glover	Lusk	Staples
Bateman	Goodwyn	Miles	Steele
Blann	Goolsby	Moore	Street
Boswell	Hall	McDermott	Taylor
Bridges	Hanks	O'Neal	Terry
Britton	Hare	Parish (Henry)	Todd
Buffington	Heflin	Petrey	Tolbert
Bulger	Henson	Poole	Toomer
Byars	Hill	Propst	Wallace
Carter	Hodges	Reeder	Welch
Chichester	Hollis	Reid	Williams
Connor	Jones	Reynolds	Wright
Cook	Kelly		

—66

S. 45. To authorize, permit and empower the Court of County Commissioners of Cherokee County, Alabama, or any like governing body of said County to appropriate ten (10%) per centum of all funds derived from the excise tax on gasoline or other liquid motor fuels, heretofore levied or that may hereafter be collected

by the State of Alabama, and paid to several Counties of this State, coming to the Legislature of Alabama, such appropriation to be paid monthly into the General Funds of Cherokee County, Alabama, and to be used in the payment of any and all claims payable out of the General Funds of Cherokee County, Alabama, and to continue such appropriation until October 1st, 1938, for the use and benefit of the General Funds of Cherokee County, Alabama; to repeal all laws or parts of laws in conflict with the provisions of this Act, and to provide when the provisions of this Act shall go into effect.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Cox	Kirby	Sanderson
Adams	Davis	Langdon	Shaver
Almon	De Vane	Livingston	Sightler
Arnold	Douglass	Long	Spence
Austin	Glover	Lusk	Staples
Bateman	Goodwyn	Miles	Steele
Blann	Goolsby	Moore	Street
Boswell	Hall	McDermott	Taylor
Bridges	Hanks	O'Neal	Terry
Britton	Hare	Parish (Henry)	Todd
Buffington	Heflin	Petrey	Tolbert
Bulger	Henson	Poole	Toomer
Byars	Hill	Propst	Wallace
Carter	Hodges	Reeder	Welch
Chichester	Hollis	Reid	Williams
Connor	Jones	Reynolds	Wright
Cook	Kelly		

—66

S. 6. To enable Elmore County, Alabama to finance building, maintenance repair or improvement of public roads therein, undertaken independently by the County, or in conjunction with State and National agencies, or either, by issuance of interest bearing warrants on the gasoline tax fund received or to be received from the State and in case of deficiency of such fund when warrants are payable to provide in the discretion of the Court of County Commissioners for payment out of the road and bridge fund or from the general fund of the County where the other funds are insufficient; to provide for the manner of issuance of said warrants, the rate of interest thereon and the manner of payment thereof; to provide for disposition of said warrants, the length of time for which they shall run, limitation of amounts and manner of registration and cancellation thereof; and priority of payment.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Cox	Kirby	Sanderson
Adams	Davis	Langdon	Shaver
Almon	De Vane	Livingston	Sightler
Arnold	Douglass	Long	Spence
Austin	Glover	Lusk	Staples
Bateman	Goodwyn	Miles	Steele
Blann	Goolsby	Moore	Street
Boswell	Hall	McDermott	Taylor
Bridges	Hanks	O'Neal	Terry
Britton	Hare	Parish (Henry)	Todd
Buffington	Heflin	Petrey	Tolbert
Bulger	Henson	Poole	Toomer
Byars	Hill	Propst	Wallace
Carter	Hodges	Reeder	Welch
Chichester	Hollis	Reid	Williams
Connor	Jones	Reynolds	Wright
Cook	Kelly		

—66

S. 7. To authorize Elmore County through its court of commissioners to borrow money in anticipation of taxes, to provide for issuance of warrants of certificates of indebtedness therefor, to limit the amount of such loans, the rate of interest thereon, to provide for the maturity thereof, the manner of execution, for registration, payment and cancellation, and priority of payment out of taxes collected.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Cox	Kirby	Sanderson
Adams	Davis	Langdon	Shaver
Almon	De Vane	Livingston	Sightler
Arnold	Douglass	Long	Spence
Austin	Glover	Lusk	Staples
Bateman	Goodwyn	Miles	Steele
Blann	Goolsby	Moore	Street
Boswell	Hall	McDermott	Taylor
Bridges	Hanks	O'Neal	Terry
Britton	Hare	Parish (Henry)	Todd
Buffington	Heflin	Petrey	Tolbert
Bulger	Henson	Poole	Toomer
Byars	Hill	Propst	Wallace
Carter	Hodges	Reeder	Welch
Chichester	Hollis	Reid	Williams
Connor	Jones	Reynolds	Wright
Cook	Kelly		

—66

H. 181. To provide for the election of three school trustees for each school in Fayette County, Alabama, and to prescribe their authority and duties.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Cox	Kirby	Sanderson
Adams	Davis	Langdon	Shaver
Almon	De Vane	Livingston	Sightler
Arnold	Douglass	Long	Spence
Austin	Glover	Lusk	Staples
Bateman	Goodwyn	Miles	Steele
Blann	Goolsby	Moore	Street
Boswell	Hall	McDermott	Taylor
Bridges	Hanks	O'Neal	Terry
Britton	Hare	Parish (Henry)	Todd
Buffington	Heflin	Petrey	Tolbert
Bulger	Henson	Poole	Toomer
Byars	Hill	Propst	Wallace
Carter	Hodges	Reeder	Welch
Chichester	Hollis	Reid	Williams
Connor	Jones	Reynolds	Wright
Cook	Kelly		

—66

On motion of Mr. Hodges the bill, H. 181 was ordered sent forthwith to the Senate without engrossment.

H. 65. To amend Section 34 of an Act entitled An Act to provide for the general revenue of the State of Alabama, approved July 10, 1935.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Cox	Kirby	Sanderson
Adams	Davis	Langdon	Shaver
Almon	De Vane	Livingston	Sightler
Arnold	Douglass	Long	Spence
Austin	Glover	Lusk	Staples
Bateman	Goodwyn	Miles	Street
Blann	Goolsby	Moore	Street
Boswell	Hall	McDermott	Taylor
Bridges	Hanks	O'Neal	Terry
Britton	Hare	Parish (Henry)	Todd
Buffington	Heflin	Petrey	Tolbert
Bulger	Henson	Poole	Toomer
Byars	Hill	Propst	Wallace
Carter	Hodges	Reeder	Welch
Chichester	Hollis	Reid	Williams
Connor	Jones	Reynolds	Wright
Cook	Kelly		

—66

On motion of Mr. Welch the bill, H. 65 was ordered sent forthwith to the Senate without engrossment.

H. 170. To amend section 8 of an act entitled, "An Act to provide for the public safety; to regulate the operation of motor vehicles on the public highways, to provide for the registration and licensing of drivers or operators of motor vehicles and to fix the fees therefor. To authorize the State Highway Commission, with the approval of the Governor, to establish and promulgate reasonable rules and regulations concerning the operation of motor vehicles; to provide punishment and penalties for the violation of the provisions of this Act and of the rules and regulations authorized hereby; to provide for the suspension and revocation of driver's licenses issued; to authorize the appointment or employment of the necessary officers and agents, and the purchase of the necessary equipment to make the provisions hereof effective; and to provide for the compensation of the officers and agents so employed," approved September 2, 1935.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Cox	Kirby	Sanderson
Adams	Davis	Langdon	Shaver
Almon	De Vane	Livingston	Sightler
Arnold	Douglass	Long	Spence
Austin	Glover	Lusk	Staples
Bateman	Goodwyn	Miles	Steele
Blann	Goolsby	Moore	Street
Boswell	Hall	McDermott	Taylor
Bridges	Hanks	Q. Neal	Terry
Britton	Hare	Parish (Henry)	Todd
Buffington	Heflin	Petrey	Tolbert
Bulger	Henson	Poole	Toomer
Byars	Hill	Propst	Wallace
Carter	Hodges	Reeder	Welch
Chichester	Hollis	Reid	Williams
Connor	Jones	Reynolds	Wright
Cook	Kelly		

—66

On motion of Mr. Connor the bill, H. 170 was ordered sent forthwith to the Senate without engrossment.

H. 185. To provide that in all counties in the State of Alabama, having now or hereafter a population of not less than 110,000 nor more than 200,000, according to the last or any subsequent Federal census, that the Board of Health of such counties by whatever name called, shall make a monthly report of all deaths of residents of such county to the Board of Registrars of such county.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Cox	Kirby	Sanderson
Adams	Davis	Langdon	Shaver
Almon	De Vane	Livingston	Sightler
Arnold	Douglass	Long	Spence
Austin	Glover	Lusk	Staples
Bateman	Goodwyn	Miles	Steele
Blann	Goolsby	Moore	Street
Boswell	Hall	McDermott	Taylor
Bridges	Hanks	O'Neal	Terry
Britton	Hare	Parish (Henry)	Todd
Buffington	Heflin	Petrey	Tolbert
Bulger	Henson	Poole	Toomer
Byars	Hill	Propst	Wallace
Carter	Hodges	Reeder	Welch
Chichester	Hollis	Reid	Williams
Connor	Jones	Reynolds	Wright
Cook	Kelly		

—66

On motion of Mr. Taylor the bill, H. 185 was ordered sent forthwith to the Senate without engrossment.

S. 25. To prescribe the fees and commissions to be allowed the Tax Collectors and Tax Assessors for assessing and collecting all special County or District taxes levied for school purposes in all Counties of this State having a population of not less than eighty thousand persons and not more than one hundred thousand persons, according to the last Federal census or any subsequent Federal census.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Cox	Kirby	Sanderson
Adams	Davis	Langdon	Shaver
Almon	De Vane	Livingston	Sightler
Arnold	Douglass	Long	Spence
Austin	Glover	Lusk	Staples
Bateman	Goodwyn	Miles	Steele
Blann	Goolsby	Moore	Street
Boswell	Hall	McDermott	Taylor
Bridges	Hanks	O'Neal	Terry
Britton	Hare	Parish (Henry)	Todd
Buffington	Heflin	Petrey	Tolbert
Bulger	Henson	Poole	Toomer
Byars	Hill	Propst	Wallace
Carter	Hodges	Reeder	Welch
Chichester	Hollis	Reid	Williams
Connor	Jones	Reynolds	Wright
Cook	Kelly		

—66

H. 183. To authorize the Board of Revenue, County Commissioners or other like County authorities in counties having a population of not less than 75,000 nor more than 110,000 according to the last Federal Census, or any future Federal Census; to purchase and maintain a suitable automobile or automobile truck for the use of the Humane Officer of such county at the cost of said county.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Cox	Kirby	Sanderson
Adams	Davis	Langdon	Shaver
Almon	De Vane	Livingston	Sightler
Arnold	Douglass	Long	Spence
Austin	Glover	Lusk	Staples
Bateman	Goodwyn	Miles	Steele
Blann	Goolsby	Moore	Street
Boswell	Hall	McDermott	Taylor
Bridges	Hanks	O'Neal	Terry
Britton	Hare	Parish (Henry)	Todd
Buffington	Heflin	Petrey	Tolbert
Bulger	Henson	Poole	Toomer
Byars	Hill	Propst	Wallace
Carter	Hodges	Reeder	Welch
Chichester	Hollis	Reid	Williams
Connor	Jones	Reynolds	Wright
Cook	Kelly		

—66

On motion of Mr. Goodwyn the bill, H. 183 was ordered sent forthwith to the Senate without engrossment.

H. 192. To authorize the Board of Revenue or like governing body of Tuscaloosa County, Alabama, to set up and create out of the general funds of said County a contingent fund not to exceed One Thousand Two Hundred Dollars (\$1,200.00) per annum; to define its purposes and uses and to provide the manner of disbursement of said fund: and to prescribe when this Act shall go into effect.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Blann	Byars	Davis
Adams	Boswell	Carter	De Vane
Almon	Bridges	Chichester	Douglass
Arnold	Britton	Connor	Glover
Austin	Buffington	Cook	Goodwyn
Bateman	Bulger	Cox	Goolsby

Hall	Langdon	Propst	Street
Hanks	Livingston	Reeder	Taylor
Hare	Long	Reid	Terry
Heflin	Lusk	Reynolds	Todd
Henson	Miles	Sanderson	Tolbert
Hill	Moore	Shaver	Toomer
Hodges	McDermott	Sightler	Wallace
Hollis	O'Neal	Spence	Welch
Jones	Parish (Henry)	Staples	Williams
Kelly	Petrey	Steele	Wright
Kirby	Poole		

—66

On motion of Mr. Austin the bill, H. 192 was ordered sent forthwith to the Senate without engrossment.

H. 190. To fix the compensation or salary to be paid the Clerk of the Circuit Court of Tuscaloosa County, Alabama, and to regulate the payment of the same: To provide for compensation of Clerks, Deputies, Clerical Assistants and other expenses in said office of the Clerk of the Circuit Court of Tuscaloosa County, Alabama, and to require said Clerk of the Circuit Court to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and to pay same into the County Treasury of Tuscaloosa County, provided, however, that all witness fees, judgments and amounts collected by him, in civil and criminal cases, from whatsoever source, except fees, allowances, legal charges, costs and compensation payable to him as such Clerk, shall be retained in the hands of said Clerk to be paid out and disbursed by him to proper persons or parties in the manner now or hereafter required by law; to provide for the payment of the salary or compensation of said Clerk of the Circuit Court of Tuscaloosa County, and the Clerks, Deputies and other Clerical Assistants and other office expenses out of the funds of Tuscaloosa County, and to provide rules and regulations for the conducting and operation of such office made necessary by changing the method and basis of compensation of such Clerk of the Circuit Court of Tuscaloosa County, and to prescribe when this Act shall go into effect.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Boswell	Chichester	Glover
Adams	Bridges	Connor	Goodwyn
Almon	Britton	Cook	Goolsby
Arnold	Buffington	Cox	Hall
Austin	Bulger	Davis	Hanks
Bateman	Byars	De Vane	Hare
Blann	Carter	Douglass	Heflin

Henson	Lusk	Reid	Taylor
Hill	Miles	Reynolds	Terry
Hodges	Moore	Sanderson	Todd
Hollis	McDermott	Shaver	Tolbert
Jones	O'Neal	Sightler	Toomer
Kelly	Parish (Henry)	Spence	Wallace
Kirby	Petrey	Staples	Welch
Langdon	Poole	Steele	Williams
Livingston	Propst	Street	Wright
Long	Reeder		

—66

On motion of Mr. Austin the bill, H. 190 was ordered sent forthwith to the Senate without engrossment.

H. 191. To amend Section 3 of House Bill No. 525, of the Acts of the Legislature of Alabama, approved June 12, 1935, entitled "An Act to fix the compensation or salary to be paid the Judge of Probate of Tuscaloosa County, Alabama, and to regulate the payment of the same: To provide for the compensation of Clerks, Deputies, Clerical Assistants and other expenses in the probate office of Tuscaloosa County, Alabama, and to require said Judge of Probate to collect all the fees, compensation and allowances heretofore or hereafter collected by said Judge of Probate, and to pay same into the County Treasury of Tuscaloosa County: To provide for the payment of the salary or compensation of said Judge of Probate and the Clerks, Deputies and other clerical assistants, and other office expenses, out of the funds of Tuscaloosa County, and to provide rules and regulations for the management and operation of such office made necessary by changing the method and basis of compensation of such Judge of Probate, and to prescribe when this Act shall go into effect.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker

Adams	Cox	Kirby	Sanderson
Almon	Davis	Langdon	Shaver
Arnold	De Vane	Livingston	Sightler
Austin	Douglass	Long	Spence
Bateman	Glover	Lusk	Staples
Blann	Goodwyn	Miles	Steele
Boswell	Goolsby	Moore	Street
Bridges	Hall	McDermott	Taylor
Britton	Hanks	O'Neal	Terry
Buffington	Hare	Parish (Henry)	Todd
Bulger	Heflin	Petrey	Tolbert
Byars	Henson	Poole	Toomer
Carter	Hill	Propst	Wallace
Chichester	Hodges	Reeder	Welch
Connor	Hollis	Reid	Williams
Cook	Jones	Reynolds	Wright
	Kelly		

—66

On motion of Mr. Austin the bill, H. 191 was ordered sent forthwith to the Senate without engrossment.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 48. To provide a lien for laundering, cleaning, pressing, and mending or otherwise renovating wearing apparel, household linens and articles of like kind, including hats and shoes, and to prescribe the manner of the enforcement of such lien.

Also:

H. 146. To provide for the relief of J. R. Kelley, and to authorize the Board of Revenue of Conecuh County to audit and allow his claim, and to provide for the payment thereof.

Also:

H. 144. To provide for the relief of J. R. Kelley, and to authorize the Board of Education of Conecuh County to audit and allow his claim, and to provide for the payment thereof.

Also:

H. 153. To amend an act entitled An Act: "To require twenty per cent of the total funds received by Franklin County from the levy and collection by the State of gasoline taxes, or taxes on other motor fuels to be used for the purpose of establishing a sinking fund for the retirement of the \$227,000.00 in bonds of said county, requiring the County Treasurer of said County to set aside said fund for said purpose; authorizing the Commissioners Court or Board of Revenue of said County to purchase and retire before maturity said bonds or any portion thereof, with said fund; providing that on final payment and retirement of said bonds, all such funds received by said County from the said gasoline taxes, or taxes on other motor fuels shall be used as provided by the general laws of Alabama; and providing the time when this Act shall take effect. Approved by the Governor on June 6th, 1935, so as to make said Act read as follows: An Act To require the Treasurer or other legal custodian of the funds of Franklin County, Alabama, to set aside out of the excise tax on gasoline or other liquid motor fuels, collected by the State of Alabama and paid to the County of Franklin usually known as the gasoline tax, the sum of \$9,960.00 per year as a sinking fund, for the retirement of the \$227,000.00 of outstanding road bonds against said County; to provide the manner of setting aside the same and requiring the Court of County Commissioners to use said sinking fund in the purchase and retirement of said bonds, and providing the time when this Act shall take effect.

Also:

H. 152. To authorize and empower the Court of County Revenue of Franklin County, Alabama, to apply to, and expend on State and or State and Federal aid highways, within said County in said State, any part or all of the funds of said County derived from the excise tax on gasoline or other liquid motor fuels heretofore levied or that may hereafter be levied and collected by the State of Alabama and paid to said County in the construction or repair of said highways, in connection with other funds contributed or expended by the State of Alabama and or the Federal Government, or otherwise, and to authorize and empower the said Court of County Revenue of said County to enter into contracts for said construction or repair of said highways with the State of Alabama and or the Federal Government. Also to authorize and empower the Court of County Revenue of said Franklin County to borrow money for the purpose of constructing or repairing State and or State and Federal highways within said County and to pledge as security therefor, any or all of the said excise tax on gasoline or other liquid motor fuels heretofore levied or that may hereafter be levied and collected by the State of Alabama, and paid to said Franklin County as security for said loan or loans, and to provide for the issuance of interest bearing warrants to secure and liquidate said loans; provided however, that \$9,960.00 per year of said excise tax shall not be affected by this Act, but shall be applied on bonded indebtedness of the County as provided by a Local Act for said County.

Also:

H. 83. To regulate and fix rules in regard to motions for new trials in the circuit court in counties having a population of 300,000 or more according to the last or any subsequent Federal Census; and without limiting or derogating from the generality and comprehensiveness of the foregoing portion of this title, to fix, declare and keep such courts in such counties always open for the filing of, presenting and calling to the attention of the court, continuing, hearing and deciding motions for new trials; and to fix the time within which motions for new trials may be filed, presented and called to the attention of the court, continued, etc., in such courts in such counties.

Also:

H. 120. To require the Court of County Commissioners of Escambia County, Alabama, to levy a special tax of one-twentieth of One per cent, on all taxable property in said county as assessed for state taxation for the tax year commencing October 1st, 1935, and subsequent years, to be used for Public Health Work in Escambia County; to provide that the total levy in any one year shall

not exceed one-half of one per cent., exclusive of levies for public buildings or bridges; to fix said special tax of one-twentieth of one per cent. assessed for public health work as Escambia County's contribution to the budget of the Escambia County Health Department; and to provide to whom said special tax shall be paid, and how the same shall be disbursed.

Also:

H. 143. To abolish the fine and forfeiture fund of Conecuh County, Alabama; to provide for the payment into the general fund of said County of all moneys which under existing laws, or laws hereafter enacted, are payable into said fine and forfeiture fund; to provide that witnesses summoned on behalf of the State and all other claims which are payable out of the fine and forfeiture fund of Conecuh County shall, in the future, be paid out of the General fund of said County; to fix the priorities of said Claims; to provide for the registration of same; to regulate the payment of same; and to validate all witness certificates and claims now outstanding against the fine and forfeiture fund.

Also:

H. 130. To provide that all persons in Covington County, Alabama be relieved from all legal obligations to work on the public roads or to pay any money in lieu of such obligation to work on the public roads in said county, and to prohibit the levy and collection of a per capita road tax in said County.

Also:

H. 154. To authorize the payment of the per diem and mileage of the members of the Court of County Revenue of Franklin County, Alabama, out of the excise gas tax of the County, when engaged in inspecting, accepting, building, repairing or maintaining public roads or bridges in the county.

Also:

H. 52. To Authorize and provide for the payment of the sum of Two Hundred and fifty dollars (\$250.00) for the relief of James W. Carpenter of Reform, Alabama, Pickens County who was injured on the 20th day of September 1934, while being transported to work for said County.

Also:

H. 160. To provide for an additional allowance for clerical assistance in the office of the Register of the Circuit Court of Mobile County, Alabama, and to provide for the payment of said allowance.

Also:

H. 82. To provide for and regulate the service of persons summoned for jury duty in the circuit courts in counties having a population of 300,000 or more according to the last or any subsequent Federal Census; and without limiting or derogating from

the generality and comprehensiveness of the foregoing portion of this title, to regulate the excusing of persons summoned for jury service in such courts in such counties, and to provide for the performance of jury duty by persons summoned for such duty at a time subsequent to that for which they were originally summoned; and to provide for the fees of persons summoned for jury duty who are excused and required to perform jury duty at such subsequent time.

J. E. Speight,
Secretary.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolution hereinafter mentioned was delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor 10:15 o'clock A. M. March 6, 1936:
H. J. R. 16.

E. F. Taylor,
Clerk.

ADJOURNMENT

On motion of Mr. Poole the House adjourned until 10 o'clock A. M. Tuesday, March 10, 1936.

TENTH DAY

House of Representatives,

Montgomery, Alabama.

Tuesday, March 10th, 1936.

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Peerce N. McDonald, pastor of Church of the Ascension, Montgomery, Ala.

ROLL CALL

On a call of the roll of the House the following members answered to their names:

Messrs.:			
Mr. Speaker	Glover	Matthews	Sanderson
Adams	Goodwyn	Merrill	Sanford
Arnold	Goolsby	Miles	Shaver
Austin	Hall	Miller	Shipman
Blann	Hamner	Moore	Sightler
Boswell	Hanks	McDermott	Sparks (Barbour)
Braswell	Hare	McGowin	Sparks (Walker)
Britton	Harrison	McPhaul	Spence
Buffington	Heflin	Norman (Bullock)	Staples
Bulger	Hendley	Norman (Lowndes)	Steele
Byars	Henson	O'Neal	Street
Calhoun	Hill	Owen (Etowah)	Taylor
Carter	Hodges	Owens (Madison)	Terry
Castleberry	Hollis	Parish (Henry)	Tidmore
Chichester	Johnston	Petrey	Todd
Connor	Jones	Poole	Tolbert
Cook	Kelly	Posey (Walker)	Tompkins
Cox	Kirby	Propst	Toomer
Davis	Langdon	Quarles	Waldrep
Delony	Lee (Bullock)	Rayburn	Wallace
Denson	Lee (Monroe)	Reeder	Welch
De Vane	Livingston	Reynolds	Whigham
Doster	Long	Robertson (Cullman)	Williams
Douglass	Lusk	Robinson (Lowndes)	Wright

A quorum was present.

REPORT OF STANDING COMMITTEE ON REVISION OF
JOURNAL

Mr. Speaker:

Your Standing Committee on the Revision of the Journal begs leave to report that said Committee in session has carefully examined the Journal of the House for the Ninth Legislative Day and finds same correct.

R. L. Tolbert,
Vice-Chairman.

The report of the Standing Committee on the Revision of the Journal was adopted and the Journal of the House for the Ninth Legislative Day was approved.

INTRODUCTION OF BILLS

On a call of counties, bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Douglass:

H. 252. To make an appropriation to the State Department of Public Welfare for aid to the needy aged, to needy dependent children, and to the blind and otherwise handicapped needy persons.
Appropriations.

By Mr. Delony:

H. 253. To amend Section 23 of an act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

Ways and Means.

By Mr. Delony:

H. 254. To amend Section 370-A of an act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

Ways and Means.

By Mr. Delony:

H. 255. To amend Section 161-A of an act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10th, 1935.

Ways and Means.

By Mr. Jones (by request):

H. 256. To amend Section 7795 of the Code of Alabama of 1923, relating to the issuance by clerks and registers of executions on judgments and decrees.

Judiciary.

By Mr. Hill (with notice and proof):

H. 257. To provide for the election of members of the Board of Education of Marion County, and the time and manner thereof and the time and manner of the election and selection of the successors to the present members of said Board; to provide that one member of said Board shall be elected by the qualified electors of each of the sub-divisions of said county herein designated and described; and to provide for their terms of office and to provide for the duties and powers of the said Board of Education, and for the compensation and qualification of members thereof.

Local Legislation No. One.

Notice and proof H. 257:

NOTICE

Notice is hereby given that application will be made at the next extraordinary session of the Legislature of Alabama for the passage of a local act for Marion County, Alabama to divide Marion County into five school districts and to provide for the election of a Board of Education for Marion County; and to provide the terms of office of the members thereof, and the number, manner and times of their election; and to provide for the election of one member of the said Board of Education by the qualified electors of each of the said school districts so created; and to provide for the election and selection of successors of the present members of the Board of Education of Marion County; and to provide for the powers and duties of the said Board of Education and of the members thereof.

R. L. Hill,

Member of the Legislature.

RLH

2-7, 13, 20, 27—4t.

PUBLISHER'S AFFIDAVIT

STATE OF ALABAMA, }
MARION COUNTY. }

Before me, J. D. Sexton, Clerk of Circuit Court in and for said County, in State aforesaid, personally appeared F. B. McKenzie, who, being duly sworn, doth depose and say that he is the publisher of The Marion County News, a weekly newspaper published in the Town of Hamilton, State and County aforesaid, and that a certain advertisement (a true copy of which hereto attached) has been published in said newspaper for four consecutive weeks prior to the 28th day of February, 1936, and the respective numbers and dates of said newspaper in which said publication was made are the following, to-wit:

No. 14, the 6th day of February, 1936; No. 15, the 13th day of February, 1936; No. 16, the 20th day of February, 1936; No. 17, the 27th day of February, 1936.

And that there was no agreement between publisher and officer, and that the actual and lowest cost of said advertisement is \$6.65 and unpaid. Said publication was made without cost to the State.

F. B. McKenzie,

Publisher.

Sworn to and subscribed before me, this 2nd day of March, 1936.

J. D. Sexton,

Clerk of Circuit Court.

By Mr. Hill (with notice and proof) :

H. 258. To relieve all persons in Marion County, Alabama, of any legal obligation to work on the public roads or streets in said county, or to pay any money in lieu of such obligation to work on the public roads or streets in Marion County, Alabama.

Local Legislation No. One.

Notice and proof H. 258:

NOTICE

Notice is hereby given that a bill will be introduced at the approaching extra-ordinary session of the Legislature of Alabama, and its passage sought, to relieve all persons in Marion County, of any legal obligation to work on the public roads in such county, or to pay any money in lieu of such obligation to work on said public roads.

R. L. Hill,
Member of the Legislature.

PUBLISHER'S AFFIDAVIT

STATE OF ALABAMA, }
MARION COUNTY. }

Before me, J. D. Sexton, Clerk of Circuit Court in and for said County, in State aforesaid, personally appeared F. B. McKenzie, who, being duly sworn, doth depose and say that he is the publisher of The Marion County News, a weekly newspaper published in the Town of Hamilton, State and County aforesaid, and that a certain advertisement (a true copy of which hereto attached) has been published in said newspaper for four consecutive weeks prior to the 28th day of February, 1936, and the respective numbers and dates of said newspaper in which said publication was made are the following, to-wit:

No. 14, the 6th day of February, 1936; No. 15, the 13th day of February, 1936; No. 16, the 20th day of February, 1936; No. 17, the 27th day of February, 1936.

And that there was no agreement between publisher and officer, and that the actual and lowest cost of said advertisement is \$3.40 and unpaid. Said publication was made without cost to the State.

F. B. McKenzie,
Publisher.

Sworn to and subscribed before me, this 2nd day of March, 1936.

J. D. Sexton,
Clerk of Circuit Court.

By Mr. Staples (with notice and proof) :

H. 259. To provide for additional clerks in the offices of the Probate Judge, Tax Collector, Tax Assessor, Clerk and Register of the Circuit Court, of Mobile County; to fix the method and basis of their appointment and compensation and to designate the fund from which payable. To repeal all laws in conflict herewith; to provide that the partial invalidity of this act shall not affect the

remainder hereof; and to fix the time when this act shall become effective.

Local Legislation No. One.

Notice and proof H. 259:

NOTICE

Notice is hereby given that application will be made to the Legislature of Alabama for the passage of a bill in substance as follows:

A BILL TO BE ENTITLED

AN ACT to provide for additional clerks in the offices of the Probate Judge, Tax Collector, Tax Assessor, Clerk and Register of the Circuit Court, of Mobile County; to fix the method and basis of their appointment and compensation and to designate the funds from which payable. To repeal all laws in conflict herewith; to provide that the partial invalidity of this act shall not affect the remainder hereof; and to fix the time when this act shall become effective.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Circuit Judges, or a majority of them, of Mobile County are hereby directed to authorize the Probate Judge, Tax Collector, Tax Assessor, Clerk and Register of the Circuit Court, of Mobile County, to employ such clerks, in addition to those now provided for by law, as may be necessary to the proper functioning of each of said offices. Said Circuit Judges, or a majority of them, shall fix the number and salaries of all such clerks.

Section 2. The Probate Judge, Tax Collector, Clerk and Register of the Circuit Court shall pay the salaries above provided for each of said offices, each month, out of any fees collected as such officers. The Tax Assessor shall each month certify to the Tax Collector the sum incurred by him for clerk hire hereunder during the preceding month and the Tax Collector shall retain out of the taxes collected by him a sum sufficient to pay same which sum he shall pay over to the tax assessor. Such sum so retained shall be charged against, borne and retained, respectively, by, from and out of, the taxes collected for account of the State of Alabama, the taxes collected for account of the County of Mobile, and the taxes collected for account of the Board of School Commissioners of Mobile County, in the ratio that the amounts collected respectively for the State, for the County of Mobile, and for the Board of School Commissioners of Mobile County, bear to the total amount of taxes collected.

Section 3. Should any clause, sentence, paragraph, part or section of this act be invalid, such invalidity shall not affect, impair or invalidate the remainder of this act.

Section 4. All laws, general, local and special in conflict herewith are hereby repealed, in so far as they conflict herewith.

Section 5. This act shall become effective immediately upon its passage. (Citizen—Feb. 14-21-28-March 6)

STATE OF ALABAMA, }
COUNTY OF MOBILE. }

Personally appeared before me the undersigned Notary Public in and for said State and County, John M. Will, who upon oath deposes and says that he is the editor of the Prichard Citizen and that the Prichard Citizen is a

newspaper of general circulation in Mobile, County, Alabama and that the attached printed matter appeared in said newspaper in its issues of February 14, 21, 28 and March 6, 1936.

John M. Will.

Subscribed and sworn to before me this 6th day of March, 1936.

William M. Bekurs,

Notary Public, Mobile County, Alabama.

By Mr. Taylor (with notice and proof):

H. 260. To appropriate out of any monies collected as fees now or afterwards in possession of the Probate Judge of Mobile County \$175.00 per month and the pro-rata fractional part thereof, from November 20th 1935 to the date of the passage of this act, to the person who has been performing necessary work as an assistant tax redemption clerk in said Probate Court. Said sums to be in compensation for said services which have been rendered. To provide the method of payment thereof. To repeal all laws in conflict herewith and to fix the time when this act shall become effective.

Local Legislation No. One.

Notice and proof H. 260:

NOTICE

Notice is hereby given that application will be made to the next special session of the Legislature of Alabama for the passage of a bill in substance as follows:

“A BILL TO BE ENTITLED

AN ACT to appropriate out of any monies collected as fees now or afterwards in possession of the Probate Judge of Mobile County \$175.00 per month and the pro-rata fractional part thereof, from November 20th, 1935, to the date of the passage of this act, to the person who has been performing necessary work as an assistant tax redemption clerk in said Probate Court. Said sums to be in compensation for said services which have been rendered. To provide the method of payment thereof. To repeal all laws in conflict herewith and to fix the time when this act shall become effective.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated out of any fees that may now or hereafter be in the possession of the Probate Judge of Mobile County \$175.00 per month and the pro-rata part thereof from November 20th, 1935, to the date of the passage of this act, to the person who has been performing work as an assistant tax redemption clerk in the Probate Court of Mobile County to compensate him for such services which were and are necessary and which have been rendered by him.

Section 2. Said Probate Judge is required to pay said sum to the above described person out of any fees received by said Probate Judge now or hereafter in his possession.

Section 3. All laws in conflict herewith are hereby expressly repealed.

Section 4. This act shall become effective immediately upon its passage.
(Citizen—Feb. 7-14-21-28)

STATE OF ALABAMA, }
COUNTY OF MOBILE. }

Personally appeared before me the undersigned Notary Public in and for said State and County, John M. Will, who upon oath deposes and says that he is the editor of the Prichard Citizen and that the Prichard Citizen is a newspaper of general circulation in Mobile, County, Alabama and that the attached printed matter appeared in said newspaper in its issues of February 7, 14, 21, and 28, 1936.

John M. Will.

Subscribed and sworn to before me this the 29th day of February, 1936.

William M. Bekurs,

Notary Public, Mobile County, Alabama.

By Mr. Taylor:

H. 261. To authorize the State, through the State Docks Commission, to acquire, own, lease, operate, locate, install, construct, acquire, lease, own, hold, maintain, control and operate at seaports a line of terminal railroads with necessary sidings, turn outs, spurs, branches, switches, yard tract, bridges, trestles, and causeways and in connection therewith or appurtenant thereto shall have the further right to lease, install, construct, acquire, own, maintain, control and use any and every kind or character of motive power and conveyances or appliance necessary or proper to carry passengers, goods, wares, and merchandise over, along or upon the tracks of such railroads or other conveyances; and provided the State shall have no power or authority to operate tug or pilot boats. Seaports, Harbors and Maritime Commerce.

By Mr. Shaver:

H. 262. To amend an Act entitled: "An Act to authorize all cities and towns within the State of Alabama to fix and collect licenses for any business, trade or profession done outside the corporate limits but within the police jurisdiction thereof," Approved September 6, 1927, as amended by Act of the Legislature of Alabama approved November 9, 1932.

Revision of Laws.

By Mr. Bulger (with notice and proof):

H. 263. To regulate the Fine and Forfeiture fund of Tallapoosa County, Alabama; to provide for the receipts and disbursements of the same; to authorize and require the Commissioners Court of said county to appropriate funds for the payment of registered state witness certificates and other legal claims against the Fine and Forfeiture fund of said county in their numerical order; and to prescribe the duties of the County Treasurer or other custodian of county funds in relation to the receipts and disbursements of these funds.

Local Legislation No. One.

Notice and proof H. 263:

NOTICE

NOTICE is hereby given that a bill will be introduced in the Legislature of Alabama at its Special Session, beginning February 11, 1936, in words and figures as follows:

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

A BILL

TO BE ENTITLED

AN ACT

To regulate the Fine and Forfeiture fund of Tallapoosa County, Alabama; to provide for the receipts and disbursements of the same; to authorize and require the Commissioners Court of said county to appropriate funds for the payment of registered state witness certificates and officers scrip and other legal claims against the Fine and Forfeiture fund of said county in their numerical order; and to prescribe the duties of the County treasurer or other custodian of county funds in relation to the receipts and disbursements of these funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Commissioners Court of Tallapoosa County, Alabama, is hereby authorized and directed to place to the credit of the Fine and Forfeiture fund of said County \$2000.00 within 30 days after the approval of this act.

Section 2. The County Treasurer, or other custodian of county funds, is required to apply the funds provided for in Section 1 of this act exclusively as follows: \$500.00 for the payment in their numerical order of any legal claims registered against the Fine and Forfeiture fund of said County prior to the approval of this act, and \$1500.00 for the payment in their numerical order of State Witness Certificates and officers scrip payable out of the Fine and Forfeiture fund of said county which may be issued and registered after the approval of this act.

Section 3. The Commissioners Court of Tallapoosa County is further authorized and directed to place to the credit of the Fine and Forfeiture fund of said county the sum of \$500.00 on January 1, 1937, and a similar amount on the first day of each year thereafter, for the exclusive purpose of paying in their numerical order all registered claims against the Fine and Forfeiture fund of said county registered prior to the approval of this act. The appropriation provided for in this section shall continue until all such claims have been paid in full.

Section 4. The County Treasurer, or other custodian of county funds, is hereby authorized and required to apply the funds provided for in Section 3 of this act exclusively for the payment in their numerical order of all registered claims against the Fine and Forfeiture fund of said county registered prior to the approval of this act.

Section 5. The Commissioners Court of Tallapoosa County is further authorized and directed to place to the credit of the Fine and Forfeiture fund of said county the sum of \$1500.00 on January 1, 1937, for the exclusive purpose of paying in their numerical order state witness certificates and officers scrip payable out of the Fine and Forfeiture fund of said county which may be issued and registered after the approval of this act. Thereafter, on the first day of each year, the Commissioners Court of said county is hereby authorized and directed to place to the credit of the

Fine and Forfeiture fund of said county an amount sufficient to bring such fund up to \$1500.00.

Section 6. The County Treasurer, or other custodian of county funds, is hereby authorized and required to apply the funds provided for in Section 5 of this act for the exclusive purpose of paying in their numerical order state witness certificates and officers scrip payable out of the Fine and Forfeiture fund of said county which may be issued and registered after the approval of this act.

Section 7. That if any section, clause or provision of this act shall be declared unconstitutional or held to be void, such declaration shall not affect any other section, clause or provision of this act which is not in and of itself unconstitutional.

Section 8. On and after the effective date of this act, no fines or forfeitures or costs of any Court shall be paid in witness or officers scrip but all such fines, forfeitures and costs shall be paid in lawful money of the United States of America.

Section 9. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Section 10. This act shall be effective from and after its approval by the Governor.

MIKE J. BULGER,
Representative.

4t-3:5

AFFIDAVIT OF PUBLICATION OF LOCAL BILL FOR TALLAPOOSA COUNTY

STATE OF ALABAMA, }
TALLAPOOSA COUNTY. }

Before me, a notary public in and for said county and state, personally appeared Thos. S. Bugg, known to me personally as publisher of The Dadeville Record, who deposes and says upon oath that the attached copy of notice of publication of local bill was published in said newspaper for four consecutive weeks, to-wit:

On Feb. 13, 1936; Feb. 20, 1936; Feb. 27, 1936; March 5, 1936.

Thos S. Bugg,
Publisher.

Sworn to and subscribed before me, this 9th day of March, 1936.

Roy C. Oliver,
Notary Public.

By Mr. Matthews:

H. 264. To amend Schedule 21 of Section 348 of Article 13, Chapter 3, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Ways and Means.

By Mr. Calhoun:

H. 265. To further provide for and regulate the general revenue of the State of Alabama.

Ways and Means.

By Mr. Poole:

H. 266. To regulate the business of selling used motor vehicles by dealers not residing in or having a permanent place of business in the State of Alabama, and by resident dealers purchasing, handling and selling used vehicles, used or acquired from non-resident dealers; to require the registration of all used motor vehicles brought into the State of Alabama, for the purpose of sale, with Probate Judges in several counties; to require all such dealers to execute and deliver to such purchaser of such used vehicle, a bond indemnifying the purchaser against failure of title, breach of warranty, or fraudulent misrepresentation; to define the terms "dealer" and "Vendor", and to provide penalties for the violation of the provisions of this Act.

Ways and Means.

By Mr. O'Neal:

H. 267. To provide for the payment to the Sheriffs of the several Counties of the State out of the State Treasury certain fees for service in the feeding of prisoners, and to repeal an Act of the Legislature approved July 10, 1935, entitled "An Act to provide for payment to the Sheriffs of the several Counties of the State for service in preparing food of prisoners, serving food of prisoners and other services incident to the feeding of prisoners, not including the food to be served to prisoners, and to specifically repeal Section 4828 of the Code of Alabama of 1923." (General Acts 1935, page 595).

Appropriations.

By Mr. Parish (Henry):

H. 268. To accept the provisions of an Act by the Congress of the United States, approved February 29, 1936, and generally known as the Soil Conservation and Domestic Allotment Act; to provide for the State of Alabama to qualify for all of the purposes and benefits as specified in said Act; to authorize the State to make such plans as are necessary for carrying out the purposes of the Act; and to designate the Extension Service of the Alabama Polytechnic Institute as the agency of the State to administer said Act.

Agriculture.

By Mr. Castleberry:

H. 269. To amend Section 1999 of the Code of Alabama of 1923.

Judiciary.

By Mr. Castleberry (with notice and proof):

H. 270. To provide for the compensation of members of the Board of Revenue of Conecuh County, Alabama, out of the Gasoline Excise Tax Fund.

Local Legislation No. One.

Notice and proof H. 270:

NOTICE

The following local bill, in substance, will be introduced and its passage sought at the present special session of the Alabama legislature:

A bill to be entitled an act to authorize and empower the board of revenue of Conecuh county to pay the salaries, per diem and mileage of its members from the gasoline tax funds received by it from the state, and that this act shall take effect upon its passage and approval.

STATE OF ALABAMA }
CONECUH COUNTY }

Personally appeared before me, a Notary Public in and for said State and County, R. G. Bozeman who, being by me duly sworn, deposes and says that he is publisher of The Evergreen Courant, a newspaper published in Evergreen, in Conecuh County, Alabama, and that the attached notice was published for four consecutive weeks in said newspaper commencing on the 13th, day of Feb. 1936, and ending on the 5th day of March, 1936.

R. G. Bozeman,

Publisher.

Sworn to and subscribed before me this the 9th, day of March 1936.

Catherine D. Stalworth,

Notary Public.

By Mr. Lusk:

H. 271. To amend an Act entitled, "An Act to Regulate Further the Financing of Public Improvements, to Permit the Reduction or Abatement of Assessments Therefor in Certain Cases, to Provide for the Refunding of Bonds Issued Therefor and to Validate Proceedings Heretofore Taken Relating There to in Cities Having a Population of as Many as Fifty Thousand and Less Than One Hundred Thousand People according to the Last Federal Census or any Such Census which may hereafter be Taken", approved September 2, 1935, so as to make the provisions of said Act apply to cities having a population of twenty four thousand and less than one hundred thousand people according to the last Federal census or any such census which may hereafter be taken.

Ways and Means.

By Mr. Hill (with notice and proof):

H. 272. To require the Court of County Commissioners, or like governing body, of Marion County to appropriate annually out of the general fund of the county a sum not less than \$2,100 for the purpose of maintaining and operating a health department

in said county; said sum to be a preferred claim and payable to the budget of the Marion County Health Department for the maintenance and operation of a health department in said county.

Local Legislation No. One.

Notice and Proof: H. 272:

NOTICE

Notice is given that the following bill will be introduced in the approaching extraordinary session of the State Legislature:

A BILL TO BE ENTITLED AN ACT

To require the Court of County Commissioners, or like governing body, of Marion County to appropriate annually out of the general fund of the county a sum not less than \$2,100 for the purpose of maintaining and operating a health department in said county; said sum to be a preferred claim and payable to the budget of the Marion County Health Department for the maintenance and operation of a health department in said county.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the Court of County Commissioners, or like governing body, of Marion County shall appropriate annually a sum not less than \$2,100, which shall be used for the purpose of maintaining and operating a health department in said county; said funds to be a preferred claim on the general fund of the county, payable in monthly installments to the budget of the Marion County Health Department and shall be paid out by, or under the direction of, the State Board of Health, as other claims are paid out of said budget.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor.—R. L. HILL.

STATE OF ALABAMA }
MARION COUNTY }

Before me, Joan Hill a Notary Public, in and for said County and State, personally appeared W. H. Murray, who being first duly sworn, deposes and says, that he is the publisher of THE WINFIELD JOURNAL, a weekly newspaper published in the Town of Winfield, in the State and County aforesaid, and that the advertisement, a true copy of which is hereto annexed, was printed in said newspaper for four consecutive weeks prior to the 6th day of March, 1936, the first publication being on February 13, 1936, and the last publication being on March 5, 1936.

That there was no agreement between publisher and officer, and that the actual cost of said advertisement is \$9.90, which is unpaid.

W. H. Murray.

Sworn to and subscribed before me this 6th day of March, 1936.
(Seal)

Joan Hill,
Notary Public.

By Mr. Connor:

H. 273. To further provide for the operation and control of school buses operated by, or under the direction of the County

Board of Education of all counties in the state of Alabama having a population of 300,000 or more persons according to the last of any subsequent Federal census.

Local Legislation No. Two.

BILLS ON SECOND READING

Mr. Glover, Chairman of the Standing Committee on Local Legislation No. One, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with substitute:

By Mr. Steele (with substitute):

H. 207. To provide for the taking of non-game fish in artificially impounded public waters lying within the boundaries of all counties of this State which now have or may hereafter have a population of not more than fifteen thousand according to the last or any subsequent Federal Census; to provide means and devices for taking the same in said waters; to provide the time during which same may be taken; to provide for license for the use of said devices and the means of issuing and procuring the same; to provide for penalties for violations of the provisions of this Act; to provide that all revenues derived from the provisions of this Act shall be remitted on the first day of each month to the Commissioner of Conservation of Game, Fish and Seafoods, which shall be by him covered into the Treasury of the State of Alabama to the credit of the Game and Fish Fund, and to repeal all laws and parts of laws in conflict with the provisions of this Act.

Mr. Glover, Chairman of the Standing Committee on Local Legislation No. One, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. Robertson (Cullman) (with notice and proof):

H. 241. To create and establish a Board of Finance and Control in and for Cullman County, Alabama, to be composed of five members, one of whom shall be Chairman of said Board; to fix the qualifications of the Chairman and other members of the said Board; to abolish the Court of County Commissioners of Cullman County, Alabama; to designate the manner of constituting, selecting and appointing the first Board to hold office hereunder, and providing for the appointment of the first Chairman of the said Board by the Governor; to fix the term of office of the first Board holding office hereunder, and their successors in office, to provide for filling vacancies therein, to require the members elected, chosen or appointed hereunder to take the oath of office and give bond; to define the powers and duties of the said Board; to fix

the compensation of the members hereof; to confer upon said Board all the jurisdiction, powers and authority that is now or may hereafter be granted by law to Courts of County Commissioners, Boards of Revenue, or other governing bodies of like name and authority in this state; to require the said board of Finance and Control to employ a Clerk and a Supervisor of Roads and Bridges for the county, and to fix the duties, qualifications and compensations of such Clerk and Supervisor of Roads and Bridges, providing the manner of their payment, and to repeal all laws and parts of laws in conflict with the provisions of this Act; particularly and expressly repealing any and all laws constituting the Judge of Probate as principal judge and member of the Court of County Commissioners, granting judicial power, requiring reports from courts of said county, providing meeting place and time of meeting of said Board. To provide for the election of all members of said Board at the expiration of the term of office of the first Board constituted hereunder.

By Mr. Owens (Madison) (with notice and proof):

H. 203. To authorize the Board of County Commissioners, or such like Governing Body of Madison County, to donate and appropriate to the Public Welfare Board in said County for relief of destitution, proceeds of the excise tax on gasoline, distributed to said County under the provisions of Article XIII, Chapter 4, of an Act of the Legislature of Alabama entitled: "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935, and to ratify and confirm such donations and appropriations heretofore made to the Public Welfare Board in said county; and to repeal all laws in conflict with this Act.

By Mr. Shaver (with notice and proof):

H. 200. To Regulate and control the purchase of goods and supplies for Madison County by the Board of County Commissioners, or other like governing body of Madison County.

By Mr. Rayburn (with notice and proof):

H. 237. To require the Commissioners Court of Marshall County to approve and the treasurer of said County of Marshall to pay the cost of advertising any local legislation for Marshall County that may have the approval of the Representative of Marshall County in the Legislature.

By Mr. Rayburn (with notice and proof):

H. 238. To repeal a Local Act of the Legislature of Alabama approved September 13, 1935, entitled, "An Act, to establish a Board of Revenue for Marshall County, Alabama, to fix the number of members thereof and to fix the districts of said Board; to relieve

the Judge of Probate of his duties as Chairman of the Board of Revenue; to provide for the appointment and election of the members of said Board; to fix their duties, powers, compensation and terms of office; to provide for the appointment and election of a Chairman thereof; and fix his duties, powers, compensation and the term of office; to provide for the selection and appointment of a bookkeeper-clerk for said Board, and to fix his term of office, powers, duties and compensation, and provide for its payment and to provide for the appointment of a County Engineer; to fix his duties, and the term of his office and his powers and to provide for his compensation and to provide that all laws or parts of laws, both general and special, in conflict with the provisions of this Act be, and the same are hereby repealed, and to provide when said Act shall go into effect.

By Mr. Rayburn (with notice and proof):

H. 239. To amend An Act entitled, "An Act to provide for the election of a County Superintendent of Education for Marshall County, Alabama, by the qualified electors thereof; to prescribe the qualifications of said officer; to prescribe the duties of the said officer, and to fix the term and compensation of said officer" approved Feb. 17, 1931.

By Mr. Castleberry:

H. 242. To prohibit in all counties which now have or which may hereafter have a population of more than 25,000 and less than 26,000 inhabitants according to the last or any subsequent Federal census, the catching, capturing, killing or pursuing with intent to catch, capture or kill, by any means, wild hogs, unmarked, except during the month of December.

Mr. Glover, Chairman of the Standing Committee on Local Legislation No. One, reported that said committee, in session, had acted on the following bills and ordered same returned to the House without recommendation:

By Mr. Taylor (with notice and proof) (without recommendation):

H. 221. To provide funds for the maintenance and operation of a County Health Department under direction of the County Health Officer of Mobile County; to repeal all laws in conflict herewith, and to fix the time when this act shall become effective.

By Mr. Taylor (with notice and proof) (without recommendation):

H. 222. To validate and make a lawful debt of Mobile County, \$8,400.00 in warrants heretofore issued by said county to Headquarters Special Troops 31st Infantry Division, Alabama National Guard and to require the registration and payment thereof out of the consolidated treasury of Mobile County. To repeal all laws

in conflict herewith and to fix the time when this act shall become effective.

By Mr. Staples (with notice and proof) (without recommendation):

H. 227. To repeal an Act entitled "An Act To require the Board of School Commissioners of Mobile County to permit each school teacher to be absent from her or his duties for not more than ten school days during each school year without loss of pay, and to require a certificate of ill health by said teacher in order to secure the advantages of this act"; approved March 8, 1933.

By Mr. Staples (with notice and proof) (without recommendation):

H. 247. To authorize Mobile County, in the State of Alabama, to issue bonds from time to time, not exceeding in the aggregate \$1,600,000.00, which bonds, or the proceeds thereof, shall be used exclusively for paying valid and enforceable unbonded obligations of Mobile County, and unbonded obligations of Mobile County which would be valid and enforceable but for the provision or provisions of the Constitution of Alabama of 1901 fixing the debt limit of said county, and all past due interest and principal on any valid and enforceable bonded obligations of said county existing on September 30th, 1936; to provide the manner, method, interest rate, maturity, and all necessary details relative to the issuance and selling of such bonds and the retirement thereof; to provide for the manner and method of retiring the obligations which are to be refunded hereunder; to provide that the holder of any such unbonded obligation entitled to be refunded under this act, existing on the 30th day of September, 1936, and not registered with the Treasurer of Mobile County, must present the same for registration to the Treasurer of Mobile County, on or before the 1st day of November, 1936, or the same shall not be entitled to the benefits of this act; to provide what notice shall be given to the holders of such unbonded and unregistered obligations existing on the 30th day of September, 1936; and to provide that the invalidity or unconstitutionality of any section, clause, or provision of this act shall not affect the validity or constitutionality of any other section, clause, or provision hereof; and to provide for the repeal of all laws or parts of laws, special, general, local, or private, in conflict with the provisions of this act."

By Mr. Taylor (without recommendation):

H. 246. To regulate the operation of any public or private amusement place in all counties in the State of Alabama, having a population of not less than 110,000 nor more than 200,000 according to the last or any subsequent Federal census, and to fix a penalty for the violation thereof.

Mr. Robertson (Cullman), Chairman of the Standing Committee on Municipal Organizations, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Chichester:

H. 156. To authorize cities, towns and counties of Alabama to acquire sites for, and to acquire, establish and maintain Public Museums and Art Galleries, and to authorize the Administration thereof by instrumentalities selected by the governing bodies of such cities, towns and counties.

The above and foregoing bills were severally read a second time and placed on the Calendar.

REPORT OF STANDING COMMITTEE ON ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Enrolled Bills reports that it has examined the following House bills, and finds same correctly enrolled, to-wit:

H. 48. To provide a lien for laundering, cleaning pressing, and mending or otherwise renovating wearing apparel, household linens and articles of like kind, including hats and shoes, and to prescribe the manner of the enforcement of such lien.

Also:

H. 52. To Authorize and provide for the payment of the sum of Two Hundred and fifty dollars (\$250.00) for the relief of James W. Carpenter of Reform, Alabama, Pickens County who was injured on the 20th day of September 1934, while being transported to work for said County.

Also:

H. 82. To provide for and regulate the service of persons summoned for jury duty in the circuit courts in counties having a population of 300,000 or more according to the last or any subsequent Federal Census; and without limiting or derogating from the generality and comprehensiveness of the foregoing portion of this title, to regulate the excusing of persons summoned for jury service in such courts in such counties, and to provide for the performance of jury duty by persons summoned for such duty at a time subsequent to that for which they were originally summoned; and to provide for the fees of persons summoned for jury duty who are excused and required to perform jury duty at such subsequent time.

Also:

H. 83. To regulate and fix rules in regard to motions for new trials in the circuit court in counties having a population of 300,-

000 or more according to the last or any subsequent Federal Census; and without limiting or derogating from the generality and comprehensiveness of the foregoing portion of this title, to fix, declare and keep such courts in such counties always open for the filing of, presenting and calling to the attention of the court, continuing, hearing and deciding motions for new trials; and to fix the time within which motions for new trials may be filed, presented and called to the attention of the court, continued, etc., in such counties.

Also:

H. 120. To require the Court of County Commissioners of Escambia County, Alabama, to levy a special tax of one-twentieth of One per cent, on all taxable property in said county as assessed for state taxation for the tax year commencing October 1st, 1935, and subsequent years, to be used for Public Health Work in Escambia County; to provide that the total levy in any one year shall not exceed one-half of one per cent., exclusive of levies for public buildings or bridges; to fix said special tax of one-twentieth of one per cent. assessed for public health work as Escambia County's contribution to the budget of the Escambia County Health Department; and to provide to whom said special tax shall be paid, and how the same shall be disbursed.

Also:

H. 130. To provide that all persons in Covington County, Alabama be relieved from all legal obligations to work on the public roads or to pay any money in lieu of such obligation to work on the public roads in said county, and to prohibit the levy and collection of a per capita road tax in said County.

Also:

H. 143. To abolish the fine and forfeiture fund of Conecuh County, Alabama; to provide for the payment into the general fund of said County of all moneys which under existing laws, or laws hereafter enacted, are payable into said fine and forfeiture fund; to provide that witnesses summoned on behalf of the State and all other claims which are payable out of the fine and forfeiture fund of Conecuh County shall, in the future, be paid out of the general fund of said County; to fix the priorities of said Claims; to provide for the registration of same; to regulate the payment of same; and to validate all witness certificates and claims now outstanding against the fine and forfeiture fund.

Also:

H. 144. To provide for the relief of J. R. Kelley, and to authorize the Board of Education of Conecuh County to audit and allow his claim, and to provide for the payment thereof.

Also:

H. 146. To provide for the relief of J. R. Kelley, and to authorize the Board of Revenue of Conecuh County to audit and allow his claim, and to provide for the payment thereof.

Also:

H. 152. To authorize and empower the Court of County Revenue of Franklin County, Alabama, to apply to, and expend on State and or State and Federal aid highways, within said County in said State, any part or all of the funds of said County derived from the excise tax on gasoline or other liquid motor fuels heretofore levied or that may hereafter be levied and collected by the State of Alabama and paid to said County in the construction or repair of said highways, in connection with other funds contributed or expended by the State of Alabama and or the Federal Government, or otherwise, and to authorize and empower the said Court of County Revenue of said County to enter into contracts for said construction or repair of said highways with the State of Alabama and or the Federal Government. Also to authorize and empower the Court of County Revenue of said Franklin County to borrow money for the purpose of constructing or repairing State and or State and Federal highways within said County and to pledge as security therefor, any or all of the said excise tax on gasoline or other liquid motor fuels heretofore levied or that may hereafter be levied and collected by the State of Alabama, and paid to said Franklin County as security for said loan or loans, and to provide for the issuance of interest bearing warrants to secure and liquidate said loans; provided however, that \$9,960.00 per year of said excise tax shall not be affected by this Act, but shall be applied on bonded indebtedness of the County as provided by a Local Act for said County.

Also:

H. 153. To amend an act entitled An Act: "To require twenty per cent of the total funds received by Franklin County from the levy and collection by the State of gasoline taxes, or taxes on other motor fuels to be used for the purpose of establishing a sinking fund for the retirement of the \$227,000.00 in bonds of said county, requiring the County Treasurer of said County to set aside said fund for said purpose; authorizing the Commissioners Court or Board of Revenue of said County to purchase and retire before maturity said bonds or any portion thereof, with said fund; providing that on final payment and retirement of said bonds, all such funds received by said County from the said gasoline taxes, or taxes on other motor fuels shall be used as provided by the general laws of Alabama; and providing the time when this Act shall take effect. Approved by the Governor on June 6th, 1935, so as to make said Act read as follows: An Act To require the Tres-

urer or other legal custodian of the funds of Franklin County, Alabama, to set aside out of the excise tax on gasoline or other liquid motor fuels, collected by the State of Alabama and paid to the County of Franklin usually known as the gasoline tax, the sum of \$9,960.00 per year as a sinking fund, for the retirement of the \$227,000.00 of outstanding road bonds against said County; to provide the manner of setting aside the same and requiring the Court of County Commissioners to use said sinking fund in the purchase and retirement of said bonds, and providing the time when this Act shall take effect.

Also:

H. 154. To authorize the payment of the per diem and mileage of the members of the Court of County Revenue of Franklin County, Alabama, out of the excise gas tax of the county, when engaged in inspecting, accepting, building, repairing or maintaining public roads or bridges in the county.

Also:

H. 160. To provide for additional allowance for clerical assistance in the office of the Register of the Circuit Court of Mobile County, Alabama, and to provide for the payment of said allowance.

Dan Gullett Cook,
Chairman.

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following bills and ordered same sent forthwith to the House without engrossment:

By Mr. Thomas:

S. 53. To authorize and empower the County Board of Education of Chilton County Alabama to rent offices, buildings or parts of buildings for quarters or offices to be used by said County Board of Education and the Superintendent of Education and his assistants, of said county, and to authorize the Board of Education of Chilton County, Alabama to purchase or buy necessary office

equipment, supplies, stationery, postage, janitorial supplies, coal, telephone, lights and water and hire janitor services and to pay for the same out of the School funds of Chilton County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

State of Alabama, Chilton County.

Notice is hereby given that a Bill will be introduced and its enactment sought, at the 1936 extraordinary session of the Legislature of Alabama, which Bill is in substance as follows, to-wit:

A BILL TO BE ENTITLED AN ACT

To authorize and empower the County Board of Education of Chilton County, Alabama, to rent offices, buildings, or parts of buildings for quarters or offices to be used by said County Board of Education and the Superintendent of Education and his assistants, of said county, and to authorize the Board of Education of Chilton County Alabama to purchase or buy necessary office equipment, supplies, stationery, postage, janitorial supplies, coal, telephone, lights and water and hire janitor services and to pay for the same out of the School funds of Chilton County Alabama.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section One. That the County Board of Education of Chilton County Alabama is hereby authorized and empowered to rent offices, buildings or parts of buildings for quarters or offices to be used by said Board of Education, the Superintendent of Education and his assistant of said County, and to buy or purchase necessary office equipment, supplies, stationery, postage, janitorial supplies, coal, telephone, lights and water and hire janitor and pay for the same out of the School funds of Chilton County Alabama.

Section Two. That this Act shall go into effect immediately upon its passage and approval by the Governor.

Section Three. That all laws general, special and local which are in conflict with the provisions of this Act be and the same hereby are repealed.

C. B. COX,
Representative.

EARLE THOMAS,
Senator.

PUBLISHERS AFFIDAVIT

STATE OF ALABAMA,
CHILTON COUNTY:

Before me, the undersigned Notary Public in and for said State and County, personally appeared Billy Smith, who being duly sworn, states that he is the Publisher of the Chilton County News, a newspaper published in said county and State and that the attached "Notice of Local Bill" was pub-

lished in said newspaper for four consecutive issues, dated January 30, 1936; February 6, 1936; February 13, 1936 and February 20, 1936.

Billy Smith,
Publisher.

Sworn and subscribed to before me this the 25th day of February, 1936.
J. B. Atkinson,
Notary Public.

Also:

By Mr. Thomas:

S. 54. To require the Court of County Commissioners of Chilton County, Alabama to set-aside and appropriate, after payment has been made of the liability of Chilton County, Alabama, for its share of paving the Clanton-Selma Highway in Chilton County, Alabama, such part of the funds received by Chilton County, Alabama, from the State of Alabama as Gasoline Tax as will equal its part or share of said tax to the extent of 1c per gallon of said gasoline tax, for the purpose constructing and maintaining in said Chilton County, Alabama public Highway of a permanent type of paved road and to prohibit the Court of County Commissioners of Chilton County, Alabama from expending its gasoline tax received from the State of Alabama to the extent of the tax of 1c per gallon for any other purposes.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA,
CHILTON COUNTY.

Notice is hereby given that a Bill will be introduced and its enactment sought, at the extraordinary session of the Legislature of Alabama to be called in 1936, which Bill is in substance, as follows, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To require the Court of County Commissioners of Chilton County Alabama to set-aside and appropriate, after payment has been made of the liability of Chilton County, Alabama, for its share of paving the Clanton-Selma Highway in Chilton County, Alabama, such part of the funds received by Chilton County, Alabama, from the State of Alabama as Gasoline Tax as will equal its part or share of said tax to the extent of 1c per gallon of said gasoline tax, for the purpose constructing and maintaining in said Chilton County, Alabama public Highway of a permanent type of paved road and to prohibit the Court of County Commissioners of Chilton County, Alabama from expending its gasoline tax received from the State of Alabama to the extent of the tax of 1c per gallon for any other purposes.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION ONE: That from and after such time when Chilton County, Alabama has fully paid such sums as it may be liable for, on account of the paving of the Clanton-Selma Highway in Chilton County, Alabama, shall

be required to set-aside and appropriate from the gasoline tax received by said Chilton County from the State of Alabama, an amount equal to its share of said tax of 1c per gallon, for the purpose of constructing and maintaining, in said County public highways of a permanent type of paved road.

SECTION TWO: That the expenditure by the Court of County Commissioners of Chilton County, Alabama of the gasoline tax of said County to the extent of the amount equal to its share of said Tax of 1c per gallon, for any other purpose than provided for in this Act is hereby declared to be unlawful and is hereby prohibited.

SECTION THREE: That all laws or parts of laws in conflict herewith be, and the same are, hereby expressly repealed.

C. B. COX,
EARLE THOMAS.

PUBLISHERS AFFIDAVIT

STATE OF ALABAMA CHILTON COUNTY:

Before me, the undersigned Notary Public in and for said State and County, personally appeared Billy Smith, who being duly sworn states that he is the Publisher of the Chilton County News, a newspaper published in said County and State and that the attached "Notice of Local Bill" was published in said newspaper for four consecutive issues, dated January 30, 1936; February 6, 1936; February 13, 1936, and February 20, 1936.

Bill Smith,
Publisher.

Sworn and subscribed to before me this the 25th day of February, 1936.

J. B. Atkinson,
Notary Public.

Also:

By Mr. Kelly:

S. 35. To declare and fix the priority of the claims of local registrars of vital statistics in the several counties in the State.

Also:

By Mr. Kuykendall:

S. 62. To declare the public policy of the State as to the control, elimination and prevention of increase of wet, swamp or overflow lands, as affecting the public health, general welfare or public convenience or in aid of agriculture; to create each County of the State a drainage district for the purpose of this Act; to provide for the establishment and development of drainage subdistricts; to provide for or assist land owners in providing for, the prevention, elimination, or control of overflow waters, wet, swamp and overflow lands through the control of surface waters and soil erosion by means of drainage, ditching or terracing as related to said declared policy; to provide for the creation of County Boards of Drainage Commissioners; to provide general powers of the County Board of Revenue or Commissioners necessary to carry out the purposes of this Act; to provide for the assessment and collection

of costs and expenses of establishing proper control of surface waters upon agricultural lands of this State; to promote, aid and assist the purposes of drainage districts organized under the "Alabama Drainage Law"; to confer the right of eminent domain to the extent necessary to carry into effect the purposes of this Act; and to provide for the repeal of laws in conflict with this Act in so far as they affect the operations of this Act.

Also:

By Mr. Rogers (Mobile):

S. 81. To Amend an Act approved September 13, 1935, entitled 'An Act to Amend Section 28 of an Act entitled "An Act to create a pilotage commission; to define its jurisdiction, powers, and duties; to regulate pilots and pilotage, and to fix fees therefor; to prescribe the mode, penalties, and procedure for violation of this Act; and to repeal all laws in conflict therewith," Approved March 4, 1931.

Also:

By Mr. Simpson:

S. 63. To regulate the sale, transfer and possession of certain types of firearms; to provide for the licensing of dealers and owners of such firearms; to fix rules of evidence in the Courts of this State in prosecutions for violations of this Act; to prescribe penalties for the violations of any provision herein and to make uniform the law with reference thereto.

Also:

By Mr. Simpson:

S. 74. A bill to be entitled An Act to provide for and submit to the qualified electors of the State of Alabama at the General election to be held on the Third day of November, 1936, an amendment to the Constitution of Alabama, as follows: "The Courts in all counties of Alabama, having original jurisdiction in criminal cases, may suspend the execution of imposition of sentences upon persons convicted of crime, where the punishment does not exceed five years imprisonment, and place such persons on probation, and may thereafter impose sentence or order sentence executed, or remit such punishment as may seem to the court right and just and to the best interest of society;" to provide for notice of said election; to provide the form of ballot for the canvassing of returns and to prescribe the method whereby the result of said election shall be known and to further provide for expenses and costs of publication of notices of this proposed amendment.

Be it Enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified

electors of this State for their consideration at the General election to be held on the third day of November 1936, to-wit; "The Courts, in all counties of Alabama having original jurisdiction of Criminal cases, may suspend the execution or imposition of sentences upon persons convicted of crime, where the punishment does not exceed five years imprisonment, and place such persons on probation and may hereafter impose sentence or order sentence executed, or remit such punishment as may seem to the court right and just and to the best interest of society".

Section 2. That it shall be the duty of the Governor of the State of Alabama, to give notice, by proclamation, of the fact that such election will be held on the day hereby appointed for action by the electorate upon the amendment hereby proposed by this act to be submitted to the qualified electors of the State for their consideration; and such proclamation shall also set out the proposed amendment. The said proclamation shall be published in one newspaper in each county in the State for at least eight successive weeks next preceding the day hereby appointed for the said election.

Section 3. That at said election on the amendment proposed by this act to be submitted to the qualified electors of the State of Alabama, for their consideration, the qualified electors shall vote upon said amendment and on the official ballots printed for such election, there shall be printed the following: "Shall the following be adopted as an amendment to the Constitution of the State of Alabama: "The Courts in all counties of Alabama, having original jurisdiction in criminal cases, may suspend the execution or imposition of sentences upon persons convicted of crime, where the punishment does not exceed five years imprisonment, and place such persons on probation, and may thereafter impose sentence or order sentence executed, or remit such punishment as may seem to the court right and just and to the best interest of society". Following the proposed amendment on the ballot shall be printed the word "yes" and immediately under that shall be printed the word "no". The choice of the elector shall be indicated by a cross mark made by him, or under his direction opposite the word expressing his desire.

Section 4. That the votes cast at said election shall be counted, canvassed, and tabulated and return made to the Secretary of State in the same manner as in elections of representatives to the Legislature; and if it thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment, voted in favor same, such amendment shall become a part of the Constitution of Alabama, and shall be in all its intents and purposes valid as such a part of the Constitution.

Section 5. That the result of such election be made known by proclamation of the Governor.

Section 6. That the expenses and the cost of the publication of the notices, shall be paid out of the State Treasury.

Also:

By Mr. Fletcher:

S. 57. To authorize, require and provide for payment of the sum of Eighteen Hundred Eighty Dollars (\$1,880.00) for the relief of F. H. Gilliam, former Tax Collector of Madison County, said sum being an amount paid by him to the State of Alabama on charges made against him in a report of an examination of his office, for being delinquent 188 days in making final settlement with the State.

Also:

By Mr. Rogers of Mobile:

S. 67. To amend Subdivision 21 of Section 6755 of the 1923 Code of Alabama.

J. S. Speight,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

Local Legislation No. One—S. 53, S. 54.

Public Health—S. 35.

Agriculture—S. 62.

Seaports, Harbors and Maritime Commerce—S. 81.

Judiciary—S. 63.

Constitution and Constitutional Amendments—S. 74, which proposed an amendment to the Constitution and was read the first time at length.

Appropriations—S. 57.

Ways and Means—S. 67.

BILLS ON THIRD READING

H. 205. To require the Court of County Commissioners or Board of Finance and Control of Cullman County, Alabama, or other like governing body of said county to pay for the publishing of the notices of each and every local bill, for or which applies alone to the said County of Cullman, which is hereafter introduced at present session or any subsequent session of the Legislature of

Alabama, when said bill is passed and becomes a law; and providing payment of the same out of money in the general fund of said county not otherwise appropriated, and providing the method of filing such claim.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Goodwyn	Merrill	Robertson (Cullman)
Arnold	Goolsby	Miles	Sanderson
Boswell	Hall	Moore	Sanford
Braswell	Hamner	McDermott	Shaver
Britton	Hare	McGowin	Sightler
Bulger	Harrison	McPhaul	Sparks (Barbour)
Byars	Hendley	Norman (Lowndes)	Sparks (Walker)
Calhoun	Henson	O'Neal	Staples
Chichester	Hill	Owen (Etowah)	Steele
Connor	Hollis	Owens (Madison)	Taylor
Cook	Jones	Parish (Henry)	Todd
Cox	Kirby	Petrey	Tolbert
Davis	Langdon	Posey (Walker)	Toomer
Delony	Lee (Bullock)	Quarles	Waldrep
Denson	Lee (Monroe)	Rayburn	Welch
De Vane	Long	Reynolds	Whigham
Glover	Lusk		

—66

On motion of Mr. Robertson (Cullman) the bill, H. 205 was ordered sent forthwith to the Senate without engrossment.

H. 210. To repeal an Act to authorize the Board of Revenue, County Commissioners or other like governing body of Jackson County, Alabama to levy and collect an excise tax on gasoline, woco pep or any substitute therefor, not to exceed three cents per gallon. To authorize such Court of County Commissioners Board of Revenue or other like governing body of said County to provide the necessary machinery for collecting said tax for the distribution of said tax to prohibit any incorporated city or town in said County from levying municipal tax on said gasoline, woco pep or any substitute therefor which may be levied by any incorporated city or town in said County to provide for the use of said excise tax and to provide a penalty for the failure to pay the said tax required of the said governing board of said County on page 185 of the local Acts of 1927 and approved August 11, 1927.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Goodwyn	Merrill	Robertson (Cullman)
Arnold	Goolsby	Miles	Sanderson
Boswell	Hall	Moore	Sanford
Braswell	Hamner	McDermott	Shaver
Britton	Hare	McGowin	Sightler
Bulger	Harrison	McPhaul	Sparks (Barbour)
Byars	Hendley	Norman (Lowndes)	Sparks (Walker)
Calhoun	Henson	O'Neal	Staples
Chichester	Hill	Owen (Etowah)	Steele
Connor	Hollis	Owens (Madison)	Taylor
Cook	Jones	Parish (Henry)	Todd
Cox	Kirby	Petrey	Tolbert
Davis	Langdon	Posey (Walker)	Toomer
Delony	Lee (Bullock)	Quarles	Waldrep
Denson	Lee (Monroe)	Rayburn	Welch
De Vane	Long	Reynolds	Whigham
Glover	Lusk		

—66

On motion of Mr. Kirby the bill, H. 210 was ordered sent forthwith to the Senate without engrossment.

H. 197. To authorize the City of Auburn, through its duly constituted officers and when approved by the City Council, to sell and dispose of any or all of the following described property lying in said City in Lee County, Alabama, A piece or parcel of land fronting 100 feet on Tichnor Avenue and extending back of uniform width for a distance of 160 feet, the western boundary of said land, being 156.5 feet east of the eastern line of College Street, in the City of Auburn, and to ratify and confirm any sales of parts thereof which may have heretofore been made by said City.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Denson	Kirby	Owen (Etowah)
Arnold	De Vane	Langdon	Owens (Madison)
Boswell	Glover	Lee (Bullock)	Parish (Henry)
Braswell	Goodwyn	Lee (Monroe)	Petrey
Britton	Goolsby	Long	Posey (Walker)
Bulger	Hall	Lusk	Quarles
Byars	Hamner	Merrill	Rayburn
Calhoun	Hare	Miles	Reynolds
Chichester	Harrison	Moore	Robertson (Cullman)
Connor	Hendley	McDermott	Sanderson
Cook	Henson	McGowin	Sanford
Cox	Hill	McPhaul	Shaver
Davis	Hollis	Norman (Lowndes)	Sightler
Delony	Jones	O'Neal	Sparks (Barbour)

Sparks (Walker)	Taylor	Toomer	Welch
Staples	Todd	Waldrep	Whigham
Steele	Tolbert		

—66

On motion of Mr. Toomer the bill, H. 197 was ordered sent forthwith to the Senate without engrossment.

H. 175. To amend Section 3 of an Act entitled "An Act to provide for the election of County Superintendent of Education for Limestone County, Alabama, to fix his term of office, to prescribe his salary and the manner of payment, to define his qualifications, powers and duties, and to provide for his successor in office", by providing an expense allowance to said Superintendent of Education.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:			
Mr. Speaker	Goodwyn	Merrill	Robertson (Cullman)
Arnold	Goolsby	Miles	Sanderson
Boswell	Hall	Moore	Sanford
Braswell	Hamner	McDermott	Shaver
Britton	Hare	McGowin	Sightler
Bulger	Harrison	McPhaul	Sparks (Barbour)
Byars	Hendley	Norman (Lowndes)	Sparks (Walker)
Calhoun	Henson	O'Neal	Staples
Chichester	Hill	Owen (Etowah)	Steele
Connor	Hollis	Owens (Madison)	Taylor
Cook	Jones	Parish (Henry)	Todd
Cox	Kirby	Petrey	Tolbert
Davis	Langdon	Posey (Walker)	Toomer
Delcny	Lee (Bullock)	Quarles	Waldrep
Denson	Lee (Monroe)	Rayburn	Welch
De Vane	Long	Reynolds	Whigham
Glover	Lusk		

—66

On motion of Mr. Walker the bill, H. 175 was ordered sent forthwith to the Senate without engrossment.

H. 176. To amend Section 1 of an act entitled "An Act to authorize the Court of County Commissioners of Limestone County, Alabama, to levy a tax or privilege license on all persons selling, or keeping in storage for sale, gasoline, Woco Pep, or any other motor fuel used by self propelled vehicles, and to provide rules, regulations and machinery for the collection thereof; and to provide penalties for the violation of such rules and regulations".

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Goodwyn	Merrill	Robertson (Cullman)
Arnold	Goolsby	Miles	Sanderson
Boswell	Hall	Moore	Sanford
Braswell	Hamner	McDermott	Shaver
Britton	Hare	McGowin	Sightler
Bulger	Harrison	McPhaul	Sparks (Barbour)
Byars	Hendley	Norman (Lowndes)	Sparks (Walker)
Calhoun	Henson	O'Neal	Staples
Chichester	Hill	Owen (Etowah)	Steele
Connor	Hollis	Owens (Madison)	Taylor
Cook	Jones	Parish (Henry)	Todd
Cox	Kirby	Petrey	Tolbert
Davis	Langdon	Posey (Walker)	Toomer
Delony	Lee (Bullock)	Quarles	Waldrep
Denson	Lee (Monroe)	Rayburn	Welch
De Vane	Long	Reynolds	Whigham
Glover	Lusk		

—66

On motion of Mr. Walker the bill, H. 176 was ordered sent forthwith to the Senate without engrossment.

H. 232. To relieve all Persons in any Municipality, In Pickens County, Alabama, Of and from any and all legal obligation to work on the Streets, in any municipality of Pickens County, Ala., or to pay any money in Lieu of such Obligation. To prohibit the Levying or collecting of Street Tax, whether the same is now due or is hereafter to become due.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Goodwyn	Merrill	Robertson (Cullman)
Arnold	Goolsby	Miles	Sanderson
Boswell	Hall	Moore	Sanford
Braswell	Hamner	McDermott	Shaver
Britton	Hare	McGowin	Sightler
Bulger	Harrison	McPhaul	Sparks (Barbour)
Byars	Hendley	Norman (Lowndes)	Sparks (Walker)
Calhoun	Henson	O'Neal	Staples
Chichester	Hill	Owen (Etowah)	Steele
Connor	Hollis	Owens (Madison)	Taylor
Cook	Jones	Parish (Henry)	Todd
Cox	Kirby	Petrey	Tolbert
Davis	Langdon	Posey (Walker)	Toomer
Delony	Lee (Bullock)	Quarles	Waldrep
Denson	Lee (Monroe)	Rayburn	Welch
De Vane	Long	Reynolds	Whigham
Glover	Lusk		

—66

On motion of Mr. Langdon the bill, H. 232 was ordered sent forthwith to the Senate without engrossment.

H. 231. To require the Commissioners Court, or like governing Body of Pickens County, Alabama, to approve and Pay for Advertising The Notice and Substance of local bills to be introduced in the legislature for said county, when due proof has been made of the correctness of the charges for advertising as other claims against the county are. This act shall apply to and include the notice and substance of bills advertised prior to and during the present session of the Legislature. This Act shall apply to Local Bills only that have the approval of the Representative of Pickens County.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Goodwyn	Merrill	Robertson (Cullman)
Arnold	Goolsby	Miles	Sanderson
Boswell	Hall	Moore	Sanford
Braswell	Hamner	McDermott	Shaver
Britton	Hare	McGowin	Sightler
Bulger	Harrison	McPhaul	Sparks (Barbour)
Byars	Hendley	Norman (Lowndes)	Sparks (Walker)
Calhoun	Henson	O'Neal	Staples
Chichester	Hill	Owen (Etowah)	Steele
Connor	Hollis	Owens (Madison)	Taylor
Cook	Jones	Parish (Henry)	Todd
Cox	Kirby	Petrey	Tolbert
Davis	Langdon	Posey (Walker)	Toomer
Delony	Lee (Bullock)	Quarles	Waldrep
Denson	Lee (Monroe)	Rayburn	Welch
De Vane	Long	Reynolds	Whigham
Glover	Lusk		

—66

On motion of Mr. Langdon the bill, H. 231 was ordered sent forthwith to the Senate without engrossment.

H. 233. To relieve all persons in Pickens County, Alabama, of any legal obligation to work on the public roads in said county, or to pay any money in lieu of such obligation to work on the public roads in Pickens County, Alabama.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Britton	Chichester	Davis
Arnold	Bulger	Connor	Delony
Boswell	Byars	Cook	Denson
Braswell	Calhoun	Cox	De Vane

Glover	Langdon	Owen (Etowah)	Sightler
Goodwyn	Lee (Bullock)	Owens (Madison)	Sparks (Barbour)
Goolsby	Lee (Monroe)	Parish (Henry)	Sparks (Walker)
Hall	Long	Petrey	Staples
Hamner	Lusk	Posey (Walker)	Steele
Hare	Merrill	Quarles	Taylor
Harrison	Miles	Rayburn	Todd
Hendley	Moore	Reynolds	Tolbert
Henson	McDermott	Robertson (Cullman)	Toomer
Hill	McGowin	Sanderson	Waldrep
Hollis	McPhaul	Sanford	Welch
Jones	Norman (Lowndes)	Shaver	Whigham
Kirby	O'Neal		

—66

On motion of Mr. Langdon the bill, H. 233 was ordered sent forthwith to the Senate without engrossment.

H. 235. To prohibit fishing or catching fish from the waters in Washington County, Alabama, on Sunday, and to provide for its enforcement and penalties for its violation.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Goodwyn	Merrill	Robertson (Cullman)
Arnold	Goolsby	Miles	Sanderson
Boswell	Hall	Moore	Sanford
Braswell	Hamner	McDermott	Shaver
Britton	Hare	McGowin	Sightler
Bulger	Harrison	McPhaul	Sparks (Barbour)
Byars	Hendley	Norman (Lowndes)	Sparks (Walker)
Calhoun	Henson	O'Neal	Staples
Chichester	Hill	Owen (Etowah)	Steele
Connor	Hollis	Owens (Madison)	Taylor
Cook	Jones	Parish (Henry)	Todd
Cox	Kirby	Petrey	Tolbert
Davis	Langdon	Posey (Walker)	Toomer
Delony	Lee (Bullock)	Quarles	Waldrep
Denson	Lee (Monroe)	Rayburn	Welch
De Vane	Long	Reynolds	Whigham
Glover	Lusk		

—66

On motion of Mr. Henson the bill, H. 235 was ordered sent forthwith to the Senate without engrossment.

RECOMMITTAL OF BILLS

On motion of Mr. Welch the bills:

H. 75. To provide that when separate cases or prosecutions against two or more defendants who are charged with the same crime, whether felony or misdemeanor, are pending in the circuit

court, and irrespective of whether such cases or prosecutions originated in the circuit court or were appealed from some lower court, that the circuit court may in its discretion order all such defendants tried jointly; and that the circuit court may order that one or more such defendants be each separately tried and the others tried jointly; and that the circuit court may order that several such defendants be tried jointly in one trial and the other defendants tried jointly in another trial; and that the circuit court may order that each such defendant be separately tried; and to provide that the provisions of this Act shall apply only in the circuit court in counties having a population of 300,000 or more according to the last or any subsequent Federal Census.

H. 76. To provide that when two or more defendants are jointly charged with any crime, whether felony or misdemeanor, they shall be tried jointly, unless the court in its discretion on motion of the Solicitor for the State, or any defendant order otherwise; and to authorize the court to order that one or more such defendants be each separately tried and the others jointly tried, and to authorize the court to order that several defendants be jointly tried in one trial and the other defendants jointly tried in another trial, and to authorize the court to order that each defendant be separately tried; and to provide that the provisions of this Act shall apply only in the circuit court in counties having a population of 300,000 or more according to the last or any subsequent Federal Census.

H. 81. To provide that when prosecutions against two or more defendants, charged with the same offense against the ordinances of a municipal corporation, are pending in the circuit court on appeal from a judgment or judgments of conviction in the court of any town or city, the circuit court may in its discretion order all such defendants tried jointly or may order that one or more such defendants be each separately tried and the others jointly tried, or may order that several such defendants be tried jointly in one trial and the others tried jointly in another trial, or may order that each such defendant be separately tried.

Were recommended to the Standing Committee on Local Legislation No. Two.

BILL INDEFINITELY POSTPONED

On motion of Mr. Staples H. 184 was indefinitely postponed.

On motion of Mr. Harrison, the House resolved itself into a Committee of the Whole for the consideration of H. 180 and other bills relating to the general revenue of the State of Alabama. Speaker Walker, under the rules of the House, appointed Representative Robertson (Cullman) as Chairman of the Committee of the Whole.

COMMITTEE OF THE WHOLE

The House Committee of the Whole, with Representative Robertson (Cullman) presiding, considered H. 180 and other measures relating to the general revenue of the State of Alabama.

On motion of Mr. Harrison the Committee of the Whole voted to report progress to the House and ask for further time.

RECONVENING OF HOUSE

The House was called to order by Speaker Walker. Mr. Robertson, Chairman of the Committee of the Whole, reported progress and asked for further time, which was granted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following joint resolution:

By the Rules Committee:

S. J. R. 24. BE IT RESOLVED BY THE SENATE, the House concurring, that when the two houses adjourn today, they adjourn to meet again on Wednesday, March 11, 1936 at ten o'clock.

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of M. Harrison the rules were suspended and S. J. R. 24, set out in the above and foregoing Message from the Senate, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following bill and ordered same sent forthwith to the House without engrossment.

S. 66. To authorize cities, towns and counties of Alabama, of 6,000 population and over, to acquire sites for, and to acquire, establish and maintain Public Museums and Art Galleries, and to Authorize the Administration thereof by instrumentalities selected by the governing bodies of such cities, towns and counties.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bill, S. 66, the title to which is set out in the above and foregoing Message from the Senate, was read one time and referred to the Standing Committee on Municipal Organizations.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 94. For the relief of S. A. Powell, and to appropriate for the use of the said S. A. Powell the sum of one hundred twenty five dollars for the loss of a mule killed by a truck belonging to Russell County on January 28, 1935, near Hurtsboro, Alabama.

Also:

H. 64. To amend Section 3 of Article 1 of an act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

Also:

H. 95. To authorize and empower the State Treasurer to pay to the owners of warrant refunding bonds issued under the authority of the Constitutional Amendment known as "The Debt Refunding Amendment, Act No. 179, passed April 14, 1933, Acts 1933, p. 196, and under the authority of Act No. 177, approved April 17, 1933, authorizing the issuance of such bonds pursuant to the authority of such Constitutional Amendment, the amount of such bonds with interest through July 1, 1935, when the bonds belonging to such owners have been lost, stolen or destroyed; to provide the method of such payment; to provide the proof of such loss and to provide for indemnifying the State Treasurer for such payment and to provide punishment for any false statement in connection therewith.

J. E. Speight,
Secretary.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same:

Delivered to the Governor at 12:24 o'clock P. M. March 10, 1936:

H. 48, H. 52, H. 82, H. 83, H. 120, H. 130, H. 143, H. 144, H. 146,
H. 152, H. 153, H. 154, H. 160.

E. F. Taylor,
Clerk.

ADJOURNMENT

On motion of Mr. Denson the House adjourned until Wednesday, March 11, 1936, at 10 o'clock A. M.

ELEVENTH DAY

House of Representatives,
Wednesday, March 11, 1936.
Montgomery, Alabama.

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. H. V. Carson, Pastor of Trinity Presbyterian Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House the following members answered to their names:

Messrs.:			
Mr. Speaker	Cook	Henson	Miles
Adams	Cox	Hill	Miller
Almon	Davis	Hodges	McDermott
Arnold	Delony	Hollis	McGowin
Austin	Denson	Johnston	McPhaul
Blann	De Vane	Jones	Norman (Bullock)
Boswell	Douglass	Kelly	Norman (Lowndes)
Braswell	Glover	Kirby	O'Neal
Britton	Goodwyn	Langdon	Owen (Etowah)
Buffington	Goolsby	Lee (Bullock)	Owens (Madison)
Byars	Hall	Lee (Monroe)	Parish (Henry)
Calhoun	Hamner	Livingston	Parish (Pike)
Carter	Hanks	Long	Petrey
Castleberry	Hare	Lusk	Poole
Chichester	Harrison	Matthews	Posey (Walker)
Connor	Hendley	Merrill	Propst

Quarles	Shaver	Street	Toomer
Rayburn	Shipman	Taylor	Waldrep
Reeder	Sightler	Terry	Wallace
Reynolds	Sparks (Barbour)	Tidmore	Welch
Robertson (Cullman)	Sparks (Walker)	Todd	Whigham
Robinson (Lowndes)	Spence	Tolbert	Williams
Sanderson	Staples	Tompkins	Wright
Sanford	Steele		

—94

A quorum was present.

REPORT OF STANDING COMMITTEE ON REVISION OF JOURNAL

Mr. Speaker:

Your Standing Committee on the Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the House for the Tenth Legislative Day and finds same correct.

R. L. Tolbert,
Vice-Chairman.

The report of the Standing Committee on the Revision of the Journal was adopted and the Journal of the House for the Tenth Legislative Day was approved.

INTRODUCTION OF BILLS

On a call of counties, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Mr. Parish (Henry) (by request):

H. 274. To provide for the mortgaging of livestock, poultry and farming tools, supplies and equipment of a named class or classes, described or limited as to locality, owned at the time of the execution of the mortgage and on such property of like kind as may be acquired during a stated period, not to exceed twelve months, to secure any and all indebtedness which the mortgagor may owe the mortgagee, or the mortgagee's personal representatives, successors or assigns, during said period; prescribing the manner in which such chattels may be described in the mortgage; and repealing laws and parts of laws in conflict herewith.

Judiciary.

By Mr. Goolsby:

H. 275. To amend Section XIX of an Act entitled "An Act to make appropriations for the ordinary expenses of the executive, legislative, and judicial departments of the State, for the interest

on the public debt and for the public schools," approved September 6, 1935, and appearing on page 792, et seq. of the Acts of 1935.
Appropriations.

By Mr. Goolsby:

H. 276. To relieve the emergency whereby the Public schools in many counties of Alabama are unable for lack of funds to complete a seven months term for the school year of 1935-36, by appropriating the receipts from Franchise Taxes of foreign and Domestic Corporations, as collected after the passage of this Act, for the fiscal year 1935-36 to the use of the public schools of Alabama, and authorizing and directing the Governor of Alabama to allocate the same to make the term of the public schools for 1935-36 as nearly as possible the same in the several counties of the State.

Appropriations.

By Mr. Adams (by request):

H. 277. To amend Schedule 77 of Section 348 of Article 13, Chapter 3, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Ways and Means.

By Mr. Adams (by request):

H. 278. To amend Schedule 147 of Section 348 of Article 13, Chapter 3, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Ways and Means.

By Mr. Reeder (by request):

H. 279. To amend section 348, schedule 147, of an Act entitled "An Act to provide for the General Revenue of the State of Alabama", approved July 10th, 1935.

Ways and Means.

By Mr. McDermott:

H. 280. To amend Section 6699 of the Code of Alabama of 1923 relative to calling on the Chief Justice of the Supreme Court for assignment of judges to clear Circuit Court dockets.

Judiciary.

By Mr. Poole:

H. 281. To amend Schedule 12 of Section 348 of Chapter 1 of Article XIII of a bill approved July 10, 1935, and entitled "An Act to provide for the General Revenue of the State of Alabama."

Judiciary.

By Messrs. Kirby and Owens (Madison):

H. 282. To provide for the General Revenue of the State of Alabama.

Ways and Means.

BILLS ON SECOND READING

Mr. Glover, Chairman of the Standing Committee on Local Legislation No. One, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. Hill (with notice and proof):

H. 258. To relieve all persons in Marion County, Alabama, of any legal obligation to work on the public roads or streets in said county, or to pay any money in lieu of such obligation to work on the public roads or streets in Marion County, Alabama.

By Mr. Hill (with notice and proof):

H. 257. To provide for the election of members of the Board of Education of Marion County, and the time and manner thereof and the time and manner of the election and selection of the successors to the present members of said Board; to provide that one member of said Board shall be elected by the qualified electors of each of the sub-divisions of said county herein designated and described; and to provide for their terms of office and to provide for the duties and powers of the said Board of Education, and for the compensation and qualification of members thereof.

By Mr. Thomas (with notice and proof):

S. 53. To authorize and empower the County Board of Education of Chilton County Alabama to rent offices, buildings or parts of buildings for quarters or offices to be used by said County Board of Education and the Superintendent of Education and his assistants, of said county, and to authorize the Board of Education of Chilton County, Alabama to purchase or buy necessary office equipment, supplies, stationery, postage, janitorial supplies, coal, telephone, lights and water and hire janitor services and to pay for the same out of the School funds of Chilton County, Alabama.

By Mr. Thomas (with notice and proof):

S. 54. To require the Court of County Commissioners of Chilton County, Alabama to set-aside and appropriate, after payment has been made of the liability of Chilton County, Alabama, for its share of paving the Clanton-Selma Highway in Chilton County, Alabama, such part of the funds received by Chilton County, Alabama, from the State of Alabama as Gasoline Tax as will equal its part or share of said tax to the extent of 1c per gallon of said gasoline tax, for the purpose constructing and maintaining in said Chilton County, Alabama public Highway of a permanent type of paved road and to prohibit the Court of County Commissioners of Chilton County, Alabama from expending its gasoline tax received

from the State of Alabama to the extent of the tax of 1c per gallon for any other purposes.

By Mr. Castleberry (with notice and proof):

H. 270. To provide for the compensation of members of the Board of Revenue of Conecuh County, Alabama, out of the Gasoline Excise Tax Fund.

By Mr. Hill (with notice and proof):

H. 272. To require the Court of County Commissioners, or like governing body, of Marion County to appropriate annually out of the general fund of the county a sum not less than \$2,100 for the purpose of maintaining and operating a health department in said county; said sum to be a preferred claim and payable to the budget of the Marion County Health Department for the maintenance and operation of a health department in said county.

Mr. Calhoun, Chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bill and ordered same returned to the House without recommendation:

By Mr. Calhoun (without recommendation):

H. 122. To amend Section 9017 of the Code of Alabama of 1923.

Mr. Connor, Chairman of the Standing Committee on Local Legislation No. Two, reported that said Committee in session had acted on the following Bills and ordered same returned to the House with a favorable report:

By Mr. Connor:

H. 273. To further provide for the operation and control of school buses operated by, or under the direction of the County Board of Education of all counties in the state of Alabama having a population of 300,000 or more persons according to the last or any subsequent Federal census.

By Mr. Connor:

H. 73. To amend Sections 3135, 3136 and 3137 of the Code of 1923.

By Mr. Adams (by request):

H. 177. To provide for the appointment of deputy circuit solicitors in all counties of this state, having a population of 300,000 or more according to the last or any subsequent Federal census, to prescribe their duties and to fix their compensation and to provide the way and manner of paying the same

By Mr. Welch:

H. 213. To amend Section 2 of an Act entitled "An Act to create an additional judgeship for the Tenth Judicial Circuit of Alabama; to provide for the appointment and election of an incumbent thereof; and to prescribe the jurisdiction, power, authority, qualifications, duties and compensation of such incumbent," approved September 2, 1927.

Mr. Connor, Chairman of the Standing Committee on Local Legislation No. Two, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

By Mr. Todd (with amendment):

H. 173. To amend Sections I, II, III, IV, V, VI, VII, VIII, IX, X, XI, and XII, of an Act entitled "An Act to regulate the occupation and practice of Cosmetology in all Counties of the State of Alabama now having or which may hereafter have a population of 400,000 or more according to the last or any subsequent Federal census; to establish a Board of Cosmetological Examiners in each of such counties; to define the duties of such Boards, the election of officers, etc. and their duties; provide for the salaries of such Boards and the employees of such Boards, to define what shall constitute the practice of Cosmetology in such counties; to set up qualifications for apprentices or students in such counties and for admission to practice Cosmetology; to provide for issuance of certificates of registration for shops and schools in such counties; to provide requirements of shops and school teaching Cosmetology in such counties, provide for the refusal or revocation of certificates of registration in such counties, the requirement of renewal of registration and licenses in such counties and penalties for the violation of this Act," which became a law July 23rd, 1931.

Mr. Quarles, Chairman of the Standing Committee on Military, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Quarles:

H. 63. To revise, collate and codify into one Act the general statutes of the State of Alabama relating to the Militia, which Act shall constitute and be designated and cited as the Military Code of Alabama; to regulate and provide for the Military and Naval Forces of the State and promote the efficiency of these forces; to provide rules, regulations and means for their organization, armament, equipment, discipline, control and supervision; to provide for their maintenance, support and upkeep; to provide for their allocation, organization and equipment, discipline, training, and main-

tain these forces for State and National Emergencies in compliance with the provisions of the National Defense Act and Federal Laws governing the Naval Militia or Naval Reserves as now or as these acts may be hereafter amended; to provide a Department, to be designated and known as the Department of Military and Naval Affairs, for the purpose of administration of all provisions of this Act and the execution of all rules and regulations written under this Act; to provide means for the enforcement of this Act; to repeal all code sections and all acts and parts inconsistent with this Act; and to fix penalties and punishments for the violation of this Act.

Mr. Parish, (Henry), Chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Parish (Henry):

H. 268. To accept the provisions of an Act by the Congress of the United States, approved February 29, 1936, and generally known as the Soil Conservation and Domestic Allotment Act; to provide for the State of Alabama to qualify for all of the purposes and benefits as specified in said Act; to authorize the State to make such plans as are necessary for carrying out the purposes of the Act; and to designate the Extension Service of the Alabama Polytechnic Institute as the agency of the State to administer said Act.

Mr. McDermott, Chairman of the Standing Committee on Sea-ports, Harbors and Maritime Commerce, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Taylor:

H. 261. To authorize the State, through the State Docks Commission, to acquire, own, lease, operate, locate, install, construct, acquire, lease, own, hold, maintain control and operate at seaports a line of terminal railroads with necessary sidings turn outs, spurs, branches, switches, yard tract, bridges, trestles, and causeways and in connection therewith or appurtenant thereto shall have the further right to lease, install, construct, acquire, own, maintain, control and use any and every kind or character of motive power and conveyances or appliance necessary or proper to carry passengers, goods, wares, and merchandise over, along or upon the tracks of such railroads or other conveyances; and provided the State shall have no power or authority to operate tug or pilot boats.

The above and foregoing bills were severally read a second time and placed on the Calendar.

REPORT OF STANDING COMMITTEE ON ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Enrolled Bills reports that it has examined the following House bills, and finds same correctly enrolled, to-wit:

H. 64. To amend Section 3 of Article 1 of an act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

Also:

H. 94. For the relief of S. A. Powell, and to appropriate for the use of the said S. A. Powell the sum of one hundred twenty five dollars for the loss of a mule killed by a truck belonging to Russell County on January 28, 1935, near Hurtsboro, Alabama.

Also:

H. 95. To authorize and empower the State Treasurer to pay to the owners of warrant refunding bonds issued under the authority of the Constitutional Amendment known as "The Debt Refunding Amendment, Act No. 179, passed April 14, 1933, Acts 1933, p. 196, and under the authority of Act No. 177, approved April 17, 1933, authorizing the issuance of such bonds pursuant to the authority of such Constitutional Amendment, the amount of such bonds with interest through July 1, 1935, when the bonds belonging to such owners have been lost, stolen or destroyed; to provide the method of such payment; to provide the proof of such loss and to provide for indemnifying the State Treasurer for such payment and to provide punishment for any false statement in connection therewith.

T. H. Street,
Vice-Chairman.

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 6. To enable Elmore County, Alabama to finance building, maintenance repair or improvement of public roads therein, undertaken independently by the County, or in conjunction with State and National agencies, or either, by issuance of interest bearing warrants on the gasoline tax fund received or to be received from the State and in case of deficiency of such fund when warrants are payable to provide in the discretion of the Court of County Commissioners for payment out of the road and bridge fund or from the general fund of the County where the other funds are insufficient; to provide for the manner of issuance of said warrants, the rate of interest thereon and the manner of payment thereof; to provide for disposition of said warrants, the length of time for which they shall run, limitation of amounts and manner of registration and cancellation thereof; and priority of payment.

Also:

S. 7. To authorize Elmore County through its court of commissioners to borrow money in anticipation of taxes, to provide for issuance of warrants of certificates of indebtedness therefor, to limit the amount of such loans, the rate of interest thereon, to provide for the maturity thereof, the manner of execution, for registration, payment and cancellation, and priority of payment out of taxes collected.

Also:

S. 25. To prescribe the fees and commissions to be allowed the Tax Collectors and Tax Assessors for assessing and collecting all special County or District taxes levied for school purposes in all Counties of this State having a population of not less than eighty thousand persons and not more than one hundred thousand persons, according to the last Federal census or any subsequent Federal census.

Also:

S. 29. To require the Court of County Commissioners or like governing body of Chilton County, to appropriate annually out of the general fund of the County a sum not less than Three Thousand (\$3,000.00) Dollars; such sum to be a preferred claim and payable to the budget of the Chilton County Health Department for the establishment, maintenance and operation of a health department in said county.

Also:

S. 30. To require the Court of County Commissioners or like governing body of Chilton County Alabama to establish and make payment of an Agricultural Fund for the purpose of paying salaries and travel of a County agricultural Agent, County Home Demonstration Agent, an Assistant County Agricultural Agent in 4-H club work and the salary of a Clerical Assistant to provide for the appointment and duties of a County Agricultural Agent, a County

Home Demonstration Agent, an Assistant County Agricultural Agent in 4-H Club work, and a Clerical Assistant to provide necessary expenses to provide out of what funds and in what order of preference said Agricultural Fund shall be paid, to provide when this act shall take effect.

Also:

S. 45. To authorize, permit and empower the Court of County Commissioners of Cherokee County, Alabama, or any like governing body of said County to appropriate ten (10%) per centum of all funds derived from the excise tax on gasoline or other liquid motor fuels, heretofore levied or that may hereafter be collected by the State of Alabama, and paid to the several Counties of this State, coming to the Legislature of Alabama, such appropriation to be paid monthly into the General Funds of Cherokee County, Alabama, and to be used in the payment of any and all claims payable out of the General Funds of Cherokee County, Alabama, and to continue such appropriation until October 1st, 1938, for the use and benefit of the General Funds of Cherokee County, Alabama; to repeal all laws or parts of laws in conflict with the provisions of this Act, and to provide when the provisions of this Act shall go into effect.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing Message from the Senate.

RESOLUTION

Mr. Kelly offered the following resolution:

By Mr. Kelly:

H. R. 24. WHEREAS, in compliance with Senate Resolution No. 7, the Comptroller of the State of Alabama, has prepared a copy of all pay-rolls of the state for the month of January, 1936, which has been printed as Legislative document No. 4, and

WHEREAS, said document fails to reflect a true and correct disbursement of all state funds during said month, but only shows the salaries of state employees, and

WHEREAS, the Legislature and the people of Alabama are entitled to know what amounts, if any, are being paid to state

employees, members of state Boards and others as expenses, traveling and otherwise.

NOW THEREFORE, BE IT RESOLVED by the House of Representatives of Alabama, that the Clerk of the House of Representatives procure from the Comptroller a copy of all expenses paid to state employees, members of State Boards, and others, showing in detail each and every item of expense paid to each and every employee of the state, for said month, whether such employee hold an elective position or an appointive one, and that the Clerk of the House, upon receipt of such statement, have 500 copies thereof printed as a supplement to said Legislative Document No. 4.

On motion of Mr. Kelly the rules were suspended and the resolution, H. R. 24, was adopted.

BILLS ON THIRD READING

H. 241. To create and establish a Board of Finance and Control in and for Cullman County, Alabama, to be composed of five members, one of whom shall be Chairman of said Board; to fix the qualifications of the Chairman and other members of the said Board; to abolish the Court of County Commissioners of Cullman County, Alabama; to designate the manner of constituting, selecting and appointing the first Board to hold office hereunder, and providing for the appointment of the first Chairman of the said Board by the Governor; to fix the term of office of the first Board holding office hereunder, and their successors in office; to provide for filling vacancies therein, to require the members elected, chosen or appointed hereunder to take the oath of office and give bond; to define the powers and duties of the said Board; to fix the compensation of the members hereof; to confer upon said Board all the jurisdiction, powers and authority that is now or may hereafter be granted by law to Courts of County Commissioners, Boards of Revenue, or other governing bodies of like name and authority in this state; to require the said Board of Finance and Control to employ a Clerk and a Supervisor of Roads and Bridges for the county, and to fix the duties, qualifications and compensations of such Clerk and Supervisor of Roads and Bridges, providing the manner of their payment, and to repeal all laws and parts of laws in conflict with the provisions of this Act; particularly and expressly repealing any and all laws constituting the Judge of Probate as principal judge and member of the Court of County Commissioners, granting judicial power, requiring reports from courts of said county, providing meeting place and time of meeting of said Board. To provide for the election of all members of said Board at the expiration of the term of office of the first Board constituted hereunder.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Glover	Merrill	Sanderson
Adams	Goodwyn	Miles	Shaver
Arnold	Goolsby	Miller	Shipman
Austin	Hanks	McDermott	Sightler
Blann	Hare	McPhaul	Sparks (Barbour)
Boswell	Hendley	Norman (Bullock)	Spence
Braswell	Henson	O'Neal	Staples
Buffington	Hill	Owen (Etowah)	Steele
Byars	Hodges	Owens (Madison)	Street
Calhoun	Hollis	Parish (Henry)	Tidmore
Castleberry	Jones	Petrey	Todd
Chichester	Kelly	Posey (Walker)	Tolbert
Connor	Kirby	Quarles	Toomer
Cox	Langdon	Rayburn	Waldrep
Davis	Lee (Bullock)	Robertson (Cullman)	Welch
Delony	Long	Robinson (Lowndes)	Williams
Denson	Lusk		

—66

On motion of Mr. Robertson (Cullman) the bill, H. 241, was ordered sent forthwith to the Senate without engrossment.

H. 207. To provide for the taking of non-game fish in artificially impounded public waters lying within the boundaries of all counties of this State which now have or may hereafter have a population of not more than fifteen thousand according to the last or any subsequent Federal Census; to provide means and devices for taking the same in said waters; to provide the time during which same may be taken; to provide for license for the use of said devices and the means of issuing and procuring the same; to provide for penalties for violations of the provisions of this Act; to provide that all revenues derived from the provisions of this Act shall be remitted on the first day of each month to the Commissioner of Conservation of Game, Fish and Seafoods, which shall be by him covered into the Treasury of the State of Alabama to the credit of the Game and Fish Fund, and to repeal all laws and parts of laws in conflict with the provisions of this Act.

Was taken up. The question was on the substitute reported by the Standing Committee on Local Legislation No. One, said committee substitute being as follows:

Substitute for H. 207 by Mr. Steele:

A BILL

To be entitled An Act to provide for the taking of non-game fish in artificially impounded public waters lying within the boun-

daries of all counties of the State of Alabama which now or may hereafter have a population of not more than fifteen thousand (15,000) according to the last or any subsequent Federal Census; to provide means and devices for taking the same in said waters; to provide for license for the use of said devices and the means of issuing and procuring the same; to provide for penalties for violating the provisions of this Act; to provide that all revenues derived from the provisions of this Act shall be remitted on the first day of each month to the Commissioner of Conservation of Game, Fish and Seafoods, which shall be by him paid into the Treasury of the State of Alabama to the credit of the Game and Fish Fund; and to provide when this Act shall become effective.

Be it enacted by the Legislature of Alabama:

Section 1. That it shall be lawful to take by means of hoop-nets or fish baskets, having a barmesh of not less than one and one-half inches, non-game fish, including Carp, Suckers, Catfish, Drum, Buffalo and Spoon-billed Cat in any artificially impounded public waters lying within the boundaries of all counties of the State of Alabama, which now or may hereafter have a population of not more than fifteen thousand (15,000) according to the last or any subsequent Federal Census upon the payment of a license as herein provided, and subject to limitations hereinafter set forth. Provided, that nothing in this Act shall be construed as legalizing the use of any fishing devices other than those herein enumerated which are now prohibited by law.

Section 2. That any person who places, sets or uses any devices enumerated in Section 1 of this Act, or attempts to take any fish in the manner provided in Section 1 of this Act must procure a commercial License as follows:

For the fiirst hoop-net or fish basket, he or she shall pay a fee of \$2.50, and for each additional hoop-net or fish basket, he or she shall pay a fee of \$1.00,

For non-residents who desire to fish under the provisions of this Act, must procure a commercial license as follows:

For the first hoop-net or fish basket, he or she shall pay a fee of \$7.50, and for each additional hoop-net or fish basket, he or she shall pay a fee of \$5.00.

Section 3. That the licenses herein provided shall be furnished in the same manner as is now or may hereafter be provided for the furnishing and issuing of hunting licenses, and the fee for issuing the same shall be the same as is now or may hereafter be provided for the issuance of hunting and fishing licenses.

Section 4. That a violation of any of the provisions of this Act shall constitute a misdemeanor, and upon conviction of any person or persons so violating it, shall be fined not less than

Twenty-Five Dollars (\$25.00) nor more than Fifty Dollars (\$50.00) for each offense.

Section 5. That on the first day of each month, the judges of probate or other persons authorized to issue commercial fishing licenses shall remit to the Commissioner of Conservation of Game, Fish and Seafoods, the proceeds from the sale of said licenses less a fee or commission of fifteen cents (15¢) out of each such license so issued, and all penalties collected by officers of the State of Alabama for violation of the provisions of this Act shall be remitted to the Commissioner of Conservation of Game, Fish and Seafoods, in the same manner as is now provided by law for the remittance of penalties collected for violations of other game and fish laws, and all such monies received by the Commissioner of Conservation of Game, Fish and Seafoods, shall by him be paid into the Treasury of the State to the credit of the Game and Fish Fund.

Section 6. That this Act shall become effective upon its approval by the Governor.

And the substitute was adopted.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Glover	Merrill	Sanderson
Adams	Goodwyn	Miles	Shaver
Arnold	Goolsby	Miller	Shipman
Austin	Hanks	McDermott	Sightler
Blann	Hare	McPhaul	Sparks (Barbour)
Boswell	Hendley	Norman (Bullock)	Spence
Braswell	Henson	O'Neal	Staples
Buffington	Hill	Owen (Etowah)	Steele
Byars	Hodges	Owens (Madison)	Street
Calhoun	Hollis	Parish (Henry)	Tidmore
Castleberry	Jones	Petrey	Todd
Chichester	Kelly	Posey (Walker)	Tolbert
Connor	Kirby	Quarles	Toomer
Cox	Langdon	Rayburn	Waldrep
Davis	Lee (Bullock)	Robertson (Cullman)	Welch
Delony	Long	Robinson (Lowndes)	Williams
Denson	Lusk		

—66

And the bill:

H. 207. To provide for the taking of non-game fish in artificially impounded public waters lying within the boundaries of all counties of this State which now have or may hereafter have a population of not more than fifteen thousand according to the last or any subsequent Federal Census; to provide means and devices for taking the same in said waters; to provide the time during which same may be taken; to provide for license for the use of said devices and the means of issuing and procuring the same; to

provide for penalties for violations of the provisions of this Act; to provide that all revenues derived from the provisions of this Act shall be remitted on the first day of each month to the Commissioner of Conservation of Game, Fish and Seafoods, which shall be by him covered into the Treasury of the State of Alabama to the credit of the Game and Fish Fund, and to repeal all laws and parts of laws in conflict with the provisions of this Act.

As amended by the substitute, was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Glover	Merrill	Sanderson
Adams	Goodwyn	Miles	Shaver
Arnold	Goolsby	Miller	Shipman
Austin	Hanks	McDermott	Sightler
Blann	Hare	McPhaul	Sparks (Barbour)
Boswell	Hendley	Norman (Bullock)	Spence
Braswell	Henson	O'Neal	Stanley
Buffington	Hill	Owen (Etowah)	Steele
Byars	Hodges	Owens (Madison)	Street
Calhoun	Hollis	Parish (Henry)	Tidmore
Castleberry	Jones	Petrey	Todd
Chichester	Kelly	Posey (Walker)	Tolbert
Connor	Kirby	Quarles	Toomer
Cox	Langdon	Rayburn	Waldrep
Davis	Lee (Bullock)	Robertson (Cullman)	Welch
Delony	Long	Robinson (Lowndes)	Williams
Denson	Lusk		

—66

H. 242. To prohibit in all counties which now have or may hereafter have a population of more than 25,000 and less than 26,000 inhabitants according to the last or any subsequent Federal census, the catching, capturing, killing or pursuing with intent to catch, capture or kill, by any means, wild hogs, unmarked, except during the month of December.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Castleberry	Hanks	Langdon
Adams	Chichester	Hare	Lee (Bullock)
Arnold	Connor	Hendley	Long
Austin	Cox	Henson	Lusk
Blann	Davis	Hill	Merrill
Boswell	Delony	Hodges	Miles
Braswell	Denson	Hollis	Miller
Buffington	Glover	Jones	McDermott
Byars	Goodwyn	Kelly	McPhaul
Calhoun	Goolsby	Kirby	Norman (Bullock)

O'Neal	Rayburn	Sparks (Barbour)	Todd
Owen (Etowah)	Robertson (Cullman)	Spence	Tolbert
Owens (Madison)	Robinson (Lowndes)	Staples	Toomer
Parish (Henry)	Sanderson	Steele	Waldrep
Petrey	Shaver	Street	Welch
Posey (Walker)	Shipman	Tidmore	Williams
Quarles	Sightler		

—66

On motion of Mr. Castleberry the bill, H. 242, was ordered sent forthwith to the Senate without engrossment.

H. 8. TO AMEND Section 161-A of AN ACT "To Provide for the General Revenue of the State of Alabama", approved July 10, 1935.

Was taken up. Mr. Owen (Etowah) offered the following substitute for the bill, H. 8:

Amend House bill No. 8 so the same shall read as follows:

A BILL

To be entitled An Act to Amend Section 161-A of an Act "To Provide for the General Revenue of the State of Alabama" Approved July 10, 1935,

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 161-A of an Act "To Provide for the General Revenue of the State of Alabama", approved July 10, 1935, be amended to read as follows:

Section 161-A. The fees, compensations and earnings of the Tax Collector allowed under the revenue laws of the State, shall not together with all other fees, compensation, allowances and earnings to them, exceed Five Thousand Four Hundred Dollars (\$4000.00) net annually. Provided, that after the term of office beginning with the first of October, 1935, expires, then the fees, compensation and earnings of the Tax Collector allowed under the revenue laws of the State, shall not together with all other fees, compensations, allowance, and earnings to them, exceed four thousand Dollars (\$4000.00) net annually, after the payment of the salaries for clerks, typists, stenographers, and other office expenses in Counties where the Tax Collector is not paid a fixed salary; and the expenses of the office in such Counties for clerks, typists, stenographers, and other expenses shall not exceed in counties having a population according to the Federal Census as follows:

10 to 30 Thousand—\$100.00 per month. 30 to 40 Thousand—\$125.00 per month. 40 to 50 Thousand—\$150.00 per month. 50 to 65 Thousand—\$200.00 per month. 65 to 85 Thousand—\$250.00 per month. 85 to 110 Thousand—\$300.00 per month. 110 to 125 Thousand—\$800.00 per month. 125 to 500 Thousand—\$1,500.00

per month, provided that in Counties of over 63,000 population according to the Federal census where the assessed advalorem taxes in any one year exceeds \$22,000,000.00, the expenses of the Tax Collector's office in such Counties for clerks, typists, stenographers and other expenses shall not exceed \$350.00 per month.

Section 2. This act shall go into effect upon its approval by the Governor.

And the substitute was adopted.

Yeas, 66; Nays, 3.

Yeas:

Messrs.:

Adams	Hamner	McDermott	Shaver
Arnold	Hare	McPhaul	Sightler
Austin	Hill	Norman (Lowndes)	Sparks (Barbour)
Blann	Hodges	O'Neal	Sparks (Walker)
Boswell	Hollis	Owen (Etowah)	Spence
Britton	Johnston	Owens (Madison)	Steele
Byars	Jones	Parish (Henry)	Street
Calhoun	Kirby	Parish (Pike)	Taylor
Carter	Langdon	Poole	Tidmore
Castleberry	Lee (Monroe)	Posey (Walker)	Todd
Connor	Livingston	Propst	Tompkins
Cox	Long	Quarles	Wallace
Davis	Lusk	Rayburn	Welch
Denson	Matthews	Reeder	Whigham
Douglass	Merrill	Reynolds	Williams
Goodwyn	Miles	Sanderson	Wright
Hall	Miller		

—66

Nays: Messrs.: Speaker, Hanks, Norman (Bullock)

—3

And the Bill:

H. 8. TO AMEND Section 161-A of AN ACT "To Provide for the General Revenue of the State of Alabama", approved July 10, 1935.

As amended by the substitute, was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 3.

Yeas:

Messrs.:

Adams	Davis	Kirby	Norman (Lowndes)
Arnold	Denson	Langdon	O'Neal
Austin	Douglass	Lee (Monroe)	Owen (Etowah)
Blann	Goodwyn	Livingston	Owens (Madison)
Boswell	Hall	Long	Parish (Henry)
Britton	Hamner	Lusk	Parish (Pike)
Byars	Hare	Matthews	Poole
Calhoun	Hill	Merrill	Posey (Walker)
Carter	Hodges	Miles	Propst
Castleberry	Hollis	Miller	Quarles
Connor	Johnston	McDermott	Rayburn
Cox	Jones	McPhaul	Reeder

Reynolds	Sparks (Walker)	Tidmore	Welch
Sanderson	Spence	Todd	Whigham
Shaver	Steele	Tompkins	Williams
Sightler	Street	Wallace	Wright
Sparks (Barbour)	Taylor		

—66

Nays: Messrs.: Speaker, Hanks, Norman (Bullock)

—3

H. 200. To Regulate and control the purchase of goods and supplies for Madison County by the Board of County Commissioners, or other like governing body of Madison County.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Glover	Merrill	Sanderson
Adams	Goodwyn	Miles	Shaver
Arnold	Goolsby	Miller	Shipman
Austin	Hanks	McDermott	Sightler
Blann	Hare	McPhaul	Sparks (Barbour)
Boswell	Hendley	Norman (Bullock)	Spence
Braswell	Henson	O'Neal	Staples
Buffington	Hill	Owen (Etowah)	Steele
Byars	Hodges	Owens (Madison)	Street
Calhoun	Hollis	Parish (Henry)	Tidmore
Castleberry	Jones	Petrey	Todd
Chichester	Kelly	Posey (Walker)	Tolbert
Connor	Kirby	Quarles	Toomer
Cox	Langdon	Rayburn	Waldrep
Davis	Lee (Bullock)	Robertson (Cullman)	Welch
Delony	Long	Robinson (Lowndes)	Williams
Denson	Lusk		

—66

On motion of Mr. Shaver the bill, H. 200 was ordered sent forthwith to the Senate without engrossment.

H. 203. To authorize the Board of County Commissioners, or such like Governing Body of Madison County, to donate and appropriate to the Public Welfare Board in said County for relief of destitution, proceeds of the excise tax on gasoline, distributed to said County under the provisions of Article XIII, Chapter 4, of an Act of the Legislature of Alabama entitled: "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935, and to ratify and confirm such donations and appropriations heretofore made to the Public Welfare Board in said county; and to repeal all laws in conflict with this Act.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Glover	Merrill	Sanderson
Adams	Goodwyn	Miles	Shaver
Arnold	Goolsby	Miller	Shipman
Austin	Hanks	McDermott	Sightler
Blann	Hare	McPhaul	Sparks (Barbour)
Boswell	Hendley	Norman (Bullock)	Spence
Braswell	Henson	O'Neal	Staples
Buffington	Hill	Owen (Etowah)	Steele
Byars	Hodges	Owens (Madison)	Street
Calhoun	Hollis	Parish (Henry)	Tidmore
Castleberry	Jones	Petrey	Todd
Chichester	Kelly	Posey (Walker)	Tolbert
Connor	Kirby	Quarles	Toomer
Cox	Langdon	Rayburn	Waldrep
Davis	Lee (Bullock)	Robertson (Cullman)	Welch
Delony	Long	Robinson (Lowndes)	Williams
Denson	Lusk		

—66

On motion of Mr. Owens (Madison) the bill, H. 203 was ordered sent forthwith to the Senate without engrossment.

H. 237. To require the Commissioner Court of Marshall County to approve and the treasurer of said County of Marshall to pay the cost of advertising any local legislation for Marshall County that may have the approval of the Representative of Marshall County in the Legislature.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Glover	Merrill	Sanderson
Adams	Goodwyn	Miles	Shaver
Arnold	Goolsby	Miller	Shipman
Austin	Hanks	McDermott	Sightler
Blann	Hare	McPhaul	Sparks (Barbour)
Boswell	Hendley	Norman (Bullock)	Spence
Braswell	Henson	O'Neal	Staples
Buffington	Hill	Owen (Etowah)	Steele
Byars	Hodges	Owens (Madison)	Street
Calhoun	Hollis	Parish (Henry)	Tidmore
Castleberry	Jones	Petrey	Todd
Chichester	Kelly	Posey (Walker)	Tolbert
Connor	Kirby	Quarles	Toomer
Cox	Langdon	Rayburn	Waldrep
Davis	Lee (Bullock)	Robertson (Cullman)	Welch
Delony	Long	Robinson (Lowndes)	Williams
Denson	Lusk		

—66

On motion of Mr. Rayburn the bill, H. 237 was ordered sent forthwith to the Senate without engrossment.

H. 238. To repeal a Local Act of the Legislature of Alabama approved September 13, 1935, entitled, "An Act, to establish a Board of Revenue for Marshall County, Alabama, to fix the number of members thereof and to fix the districts of said Board; to relieve the Judge of Probate of his duties as Chairman of the Board of Revenue; to provide for the appointment and election of the members of said Board; to fix their duties, powers, compensation and terms of office; to provide for the appointment and election of a Chairman thereof; and fix his duties, powers, compensation and the term of office; to provide for the selection and appointment of a bookkeeper-clerk for said Board, and to fix his term of office, powers, duties and compensation, and provide for its payment and to provide for the appointment of a County Engineer; to fix his duties, and the term of his office and his powers and to provide for his compensation and to provide that all laws or parts of laws, both general and special, in conflict with the provisions of this Act be, and the same are hereby repealed, and to provide when said Act shall go into effect.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Glover	Merrill	Sanderson
Adams	Goodwyn	Miles	Shaver
Arnold	Goolsby	Miller	Shipman
Austin	Hanks	McDermott	Sightler
Blann	Hare	McPhaul	Sparks (Barbour)
Boswell	Hendley	Norman (Bullock)	Spence
Braswell	Henson	O'Neal	Staples
Buffington	Hill	Owen (Etowah)	Steele
Byars	Hodges	Owens (Madison)	Street
Calhoun	Hollis	Parish (Henry)	Tidmore
Castleberry	Jones	Petrey	Todd
Chichester	Kelly	Posey (Walker)	Tolbert
Connor	Kirby	Quarles	Toomer
Cox	Langdon	Rayburn	Waldrep
Davis	Lee (Bullock)	Robertson (Cullman)	Welch
Delony	Long	Robinson (Lowndes)	Williams
Denson	Lusk		

—66

On motion of Mr. Rayburn the bill, H. 238 was ordered sent forthwith to the Senate without engrossment.

H. 239. To amend An Act entitled, "An Act to provide for the election of a County Superintendent of Education for Marshall County, Alabama, by the qualified electors thereof; to prescribe the qualifications of said officer; to prescribe the duties of the said officer, and to fix the term and compensation of said officer" approved Feb. 17, 1931.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Glover	Merrill	Sanderson
Adams	Goodwyn	McPhaul	Shaver
Arnold	Goolsby	Miles	Shipman
Austin	Hanks	Miller	Sightler
Blann	Hare	McDermott	Sparks (Barbour)
Boswell	Hendley	Norman (Bullock)	Spence
Braswell	Henson	O'Neal	Staples
Buffington	Hill	Owen (Etowah)	Steele
Byars	Hodges	Owens (Madison)	Street
Calhoun	Hollis	Parish (Henry)	Tidmore
Castleberry	Jones	Petrey	Todd
Chichester	Kelly	Posey (Walker)	Tolbert
Connor	Kirby	Quarles	Toomer
Cox	Langdon	Rayburn	Waldrep
Davis	Lee (Bullock)	Robertson (Cullman)	Welch
Delony	Long	Robinson (Lowndes)	Williams
Denson	Lusk		

—66

On motion of Mr. Rayburn the bill, H. 239 was ordered sent forthwith to the Senate without engrossment.

S. 49. To amend Sections 7547, 7551, 7552, 7554, 7556, 7557, 7558, 7560, 7563, 7567, and 7596 of the Code of Alabama of 1923, and to repeal Section 7562 of said Code.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 67; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Harrison	McDermott	Shipman
Adams	Hendley	McPhaul	Sightler
Arnold	Henson	Norman (Bullock)	Sparks (Walker)
Austin	Hill	Norman (Lowndes)	Spence
Blann	Hodges	Owen (Etowah)	Steele
Boswell	Hollis	Owens (Madison)	Street
Britton	Johnston	Parish (Henry)	Taylor
Byars	Jones	Parish (Pike)	Tidmore
Calhoun	Langdon	Posey (Walker)	Todd
Carter	Lee (Monroe)	Propst	Tolbert
Castleberry	Livingston	Quarles	Tompkins
Cox	Long	Rayburn	Wallace
Denson	Lusk	Reeder	Welch
Glover	Matthews	Reynolds	Whigham
Hall	Merrill	Robertson (Cullman)	Williams
Hamner	Miles	Robinson (Lowndes)	Wright
Hare	Miller	Shaver	

—67

On motion of Mr. Harrison, the House resolved itself into a Committee of the Whole for the consideration of H. 180 and other bills relating to the general revenue of the State of Alabama. Speaker Walker, under rules of the House, appointed Representative Robertson (Cullman) as Chairman of the Committee of the Whole.

COMMITTEE OF THE WHOLE

The House Committee of the Whole, with Representative Robertson (Cullman) presiding, considered H. 180 and other measures relating to the general revenue of the State of Alabama.

On motion of Mr. Harrison the Committee of the Whole voted to report progress to the House and ask for further time.

RECONVENING OF HOUSE

The House was called to order by Speaker Walker. Representative Robertson (Cullman), Chairman of the Committee of the Whole, reported progress and asked for further time, which was granted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following joint resolution:

By the Rules Committee:

S. J. R. 25.—BE IT RESOLVED BY THE SENATE, the House concurring, that when the two houses adjourn today, they adjourn to meet again on Friday, March 13, 1936, at ten o'clock A. M.

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Harrison, the rules were suspended and the resolution, S. J. R. 25, set out in the above and foregoing Message from the Senate, was adopted.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 12:25 o'clock P. M. March 11, 1936:

H. 64, H. 94. H. 95.

E. F. Taylor,
Clerk.

ADJOURNMENT

On motion of Mr. Lusk the House adjourned until Friday, March 13, 1936, at 10 o'clock A. M.

TWELFTH DAY

House of Representatives,
Friday, March 13, 1936.
Montgomery, Alabama.

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. Oscar E. Rice, Pastor of the First Methodist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House the following members answered to their names:

Messrs.:

Mr. Speaker
Adams
Arnold
Austin
Bateman
Blann
Boswell

Braswell
Bridges
Britton
Buffington
Bulger
Burleson
Byars

Calhoun
Carter
Castleberry
Chichester
Connor
Cook
Cox

Davis
Delony
Denson
De Vane
Doster
Douglass
Glover

Goodwyn	Livingston	Petrey	Sparks (Walker)
Goolsby	Long	Poole	Spence
Hall	Lusk	Posey (Walker)	Staples
Hamner	Matthews	Posey (Winston)	Steele
Hanks	Merrill	Propst	Street
Hare	Miles	Quarles	Taylor
Harrison	Miller	Rayburn	Terry
Henson	Moore	Reeder	Tidmore
Hill	McDermott	Reid	Todd
Hodges	McGowin	Reynolds	Tolbert
Hollis	McPhaul	Robertson (Cullman)	Tompkins
Johnston	Norman (Bullock)	Robinson (Lowndes)	Toomer
Jones	Norman (Lowndes)	Sanderson	Waldrep
Kelly	O'Neal	Shaver	Welch
Kirby	Owen (Etowah)	Shipman	Whigham
Langdon	Owens (Madison)	Sightler	Williams
Lee (Bullock)	Parish (Henry)	Sparks (Barbour)	Wright
Lee (Monroe)	Parish (Pike)		

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A quorum was present.

REPORT OF STANDING COMMITTEE ON REVISION OF JOURNAL

Mr. Speaker:

Your Standing Committee on the Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the House for the Eleventh Legislative Day and finds same correct.

R. L. Tolbert,
Vice-Chairman.

The report of the Standing Committee on the Revision of the Journal was adopted and the Journal of the House for the Eleventh Legislative Day was approved.

INTRODUCTION OF BILLS

On a call of counties, bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Owen (Etowah):

H. 283. To permit the Governing body of any Municipality in this State having a population of not less than 24,000 nor over 50,000, according to the last or any succeeding Federal census, to promote the efficiency of the paid Fire Department of such municipality, to provide a two platoon system in aforesaid municipality for said fire department, and to define the conditions under which the same shall be operated; to provide power and authority for the City Commissioners or other Governing body of such Muni-

ciality in the case of serious conflagration, riot or other emergency, emergency meaning: "Disastrous fire or conflagration,"; to provide for the granting of vacations with pay to said members of said Fire Department; to provide for full power in the said City Commission or other Governing body of such Municipality to make rules and regulations not in conflict with this act; and to provide for the repeal of any law, or laws, or parts thereof, or of any City Ordinance or Fire Department rules or regulations or parts thereof which are contrary to the provisions of this Act.

Municipal Organizations.

By Mr. Connor (with notice and proof):

H. 284. To provide for the unification of the fiscal administration of Jefferson County; to create the office of County Comptroller of Jefferson County and provide the method of his selection; to define the duties and authority of such officer; to transfer to said County Comptroller the duties heretofore fixed by law for performance by the County Treasurer, the Tax Assessor, the Tax Collector and the Commissioner of Licenses of Jefferson County; to require said County Comptroller to perform certain duties now devolving upon the Probate Judge of Jefferson County; to transfer to said County Comptroller all records, books, accounts and equipment pertaining to the financial operations of said county; to abolish the offices of County Treasurer, Tax Collector, Tax Assessor and Commissioner of Licenses of Jefferson County; to provide for a deputy County Comptroller at Bessemer; to provide said County Comptroller with necessary deputies, clerks and assistants; to provide for the oath of office and bond of said County Comptroller and certain deputies, clerks and assistants of said County Comptroller; to provide said County Comptroller with quarters and supplies and modern office equipment; to fix the compensation of said County Comptroller; to provide for the continued employment of certain officers duly elected by the people or serving terms of office under appointment; and to repeal all laws general or local in conflict herewith.

Local Legislation No. Two.

Notice and proof H. 284:

To Whom It May Concern:

Take notice that an intention to apply for the passage of an Act by the Legislature at its 1936 Session will be made, the substance of which Act is as follows, to-wit:

AN ACT

To provide for the unification of the fiscal administration of Jefferson County; to create the office of County Comptroller of Jefferson County and provide the methods of his selection; to define the duties and authority of such officer; to transfer to said County Comptroller the duties heretofore

fixed by law for performance by the County Treasurer, the Tax Assessor, the Tax Collector and the Commissioner of Licenses of Jefferson County; to require said County Comptroller to perform certain duties now devolving upon the Probate Judge of Jefferson County; to transfer to said County Comptroller all records, books, accounts and equipment pertaining to the financial operations of said county; to abolish the offices of County Treasurer, Tax Collector, Tax Assessor and Commissioner of Licenses of Jefferson County; to provide for a deputy County Comptroller at Bessemer; to provide said County Comptroller with necessary deputies, clerks and assistants; to provide for the oath of office and bond of said County Comptroller and certain deputies, clerks and assistants of said County Comptroller; to provide said County Comptroller with quarters and supplies and modern office equipment; to fix the compensation of said County Comptroller; to provide for the continued employment of certain officers duly elected by the people or serving terms of office under appointment; and to repeal all laws general or local in conflict herewith.

Be it Enacted by the Legislature of Alabama:

Section 1. There is hereby created the office of County Comptroller of Jefferson County. The County Commission of Jefferson County shall within thirty days after this act becomes effective appoint a County Comptroller who shall serve until the first Monday after the second Tuesday in January, 1941, and until his successor is elected and qualified. At the general election in November, 1940, and at the general election each four years thereafter, the qualified voters of Jefferson County shall elect a County Comptroller who shall serve for a term of four years beginning on the first Monday after the second Tuesday in January next and until his successor is elected and qualified.

Section 2. It shall be the duty of the County Comptroller to perform the duties and functions heretofore performed and which are now or may hereafter be fixed by law to be performed by, and to comply with all provisions of law relating to the County Treasurer of Jefferson County, the Tax Assessor of Jefferson County, the Tax Collector of Jefferson County, and the Commissioner of Licenses of Jefferson County. All records, books, accounts and equipment pertaining to the financial operations of said county shall be transferred to said County Comptroller. The County Comptroller shall perform such duties as may from time to time be required of him by the County Commission.

Section 3. It shall be the duty of the County Comptroller to perform the ministerial duties heretofore required to be performed by the Probate Judge of Jefferson County, relative to the collection of taxes and the redemption of lands sold for taxes and the care of land acquired by the State in the collection of taxes.

Section 4. The following offices, viz: those of the County Treasurer of Jefferson County, the Tax Collector of Jefferson County, the Tax Assessor of Jefferson County, and the Commissioner of Licenses of Jefferson County are hereby abolished.

Section 5. The County Comptroller shall designate a Deputy County Comptroller who shall maintain an office in the Court House at Bessemer and who shall perform the duties and functions of the County Comptroller in the Bessemer Cut-Off, or Bessemer Division.

Section 6. Subject to the approval of the County Commission of Jefferson County, the County Comptroller of Jefferson shall appoint and fix the duties and compensation of a sufficient number of deputies, clerks and assistants to properly perform at Birmingham and Bessemer the duties of said office. Any person so appointed shall, subject to the provisions of any civil service law then effective, be removable at the pleasure of the County Com-

troller. The acts of the deputies shall have the same force and legal effect as if performed by the Comptroller himself

Section 7. Before entering upon the duties of his office, the County Comptroller of Jefferson County shall take the oath of office prescribed by Article XVI of the Constitution of Alabama and shall give a surety bond in such penalty as may be fixed by the County Commission, payable to said County, conditioned as other official bonds are conditioned and approved by and filed with the Probate Judge of Jefferson County. The premiums on such bonds shall be paid out of the general funds of Jefferson County. Such of the deputies, clerks and assistants to the Comptroller shall give bond before entering upon their duties, in like manner and under like conditions as the Comptroller, as, in the judgment of the County Commission or the Comptroller, should be covered by such bonds, the premiums on such bonds to be paid out of the general funds of said county.

Section 8. The County Commission shall supply the County Comptroller of Jefferson County with offices in the courthouse of said county at Birmingham and at Bessemer, and with all necessary stationery, equipment, and supplies not otherwise furnished by law. The County Comptroller is authorized to use and the County Commission is authorized to purchase, such modern book-keeping, recording and tabulating machines, loose-leaf ledgers, and other improved devices as will in the discretion of the County Commission promote efficiency and economy in the conduct of the county's affairs.

Section 9. The salary of the County Comptroller of Jefferson County shall be \$4,800.00 annually, and shall be payable in equal monthly installments out of the County Treasury. The County Comptroller shall not be entitled to retain for himself any fees, commissions, penalties or other compensation, but as the same are collected they shall be paid into the County Treasury.

Section 10. Those officers who, prior to the effective date of this act, have been duly elected by the people or duly appointed for definite terms expiring subsequent to the effective date of this act, and whose offices are abolished under the provisions of Section 4 of this act, shall be appointed by the County Comptroller as assistants to the Comptroller to serve as such assistants for the remainder of the terms of the respective offices to which they were so elected or appointed. Such assistants to the Comptroller shall perform such duties and functions and shall have such authority as the County Comptroller may from time to time assign to them, shall receive as compensation for their services, the same respective monthly salaries as is provided by law to be paid to them at the time their said respective offices shall be so abolished, and shall be subject to removal for cause.

Section 11. This act shall take effect on the first day of February next succeeding the ratification by the people of an amendment to the Constitution of Alabama amending Amendment II thereof by adding Sections 2 and 3 thereto. In the event said amendment fails of ratification by the people, then this Act is null, void and of no effect.

Section 12. All laws or parts of laws, general or local, in conflict herewith are expressly repealed. Without limiting the generality of the foregoing, the Act of the Legislature approved September 13, 1935, entitled "An Act to provide for the unification of the fiscal administration of Jefferson County; to create the office of County Comptroller of Jefferson County and provide the method of his selection; to define the duties and authority of such officers; to transfer to him the duties heretofore fixed by law for performance by the County Treasurer, the Tax Assessor, the Tax Collector and the Commissioner of Licenses of Jefferson County; to require said County Comptroller to perform certain duties now devolving upon the Probate Judge of

Jefferson County; to abolish the offices of County Treasurer, Tax Collector, Tax Assessor and Commissioner of Licenses of Jefferson County; to provide for a deputy County Comptroller at Bessemer; to provide said County Comptroller with necessary deputies, clerks and assistants; to provide for the oath of office and bond of said County Comptroller; to provide said County Comptroller with quarters and supplies and modern office equipment; to fix the compensation of said County Comptroller; and to provide for the continued employment of certain officers duly elected by the people." (Local Acts of 1935, page 247) is hereby expressly repealed.

Section 13. If any section or provision of this Act is declared unconstitutional it shall not affect the remaining sections or provisions of this Act. The Call—Feb. 15-22-29; Mar. 7, 1936.

AFFIDAVIT

STATE OF ALABAMA }
JEFFERSON COUNTY }

Personally appeared before me, the undersigned authority, Geo. M. Howle, who first being duly sworn by me, deposes and says on oath that he is the Publisher of The Weekly Call, a weekly Newspaper published in said State and County, and that the notice, a true copy of which is hereto attached, was published in The Weekly Call, once a week for four consecutive weeks, commencing on the 15th day of February, 1936.

Geo. M. Howle,
Publisher.

Subscribed and sworn to before me on this the 9th day of March, 1936.
Clarice Bachus,
Notary Public.

By Mr. Owens (Madison):

H. 285. To provide for the welfare, protection and safety of the public; to provide rules and regulations for the use of steam boilers; to fix a penalty for the violation thereof; to provide for regular inspections, and to fix the amount of fees charged for such inspections; to designate the Department of Labor as the agency of the State for the purposes of this Act; to provide for the appointment to a Chief Boiler Inspector and Assistants, and to fix their compensation; to provide an appropriation for the administration of this Act; to further provide for the general revenue of the State of Alabama.

Labor.

By Mr. Taylor:

H. 286. To provide that in all criminal or quasi-criminal prosecutions in the courts of this state or of any of the political subdivisions thereof the judge trying the case may in his discretion, upon conviction, not tax the costs against the defendant; in which event the costs shall be taxed and paid as costs are taxed and paid in criminal prosecutions wherein the state fails. To repeal all laws and parts of laws general, special and local in conflict herewith.

Judiciary.

By Mr. Taylor:

H. 287. A Bill to be entitled An Act to submit to the qualified voters of this State at the general election next succeeding the present session of the Legislature of Alabama, an amendment to the Constitution of Alabama providing that any person now or hereafter duly registered as a voter, in Mobile County, shall be entitled to have his name placed upon the list of **qualified voters** of said county for any election, general, special or primary when he shall have paid the last preceeding year's poll tax.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration as hereinafter set forth, namely:

"Any person now or hereafter duly registered as a voter in Mobile County, shall be entitled to have his name placed upon the list of qualified voters of said county for any election, general, special or primary, when he shall have paid the last two preceeding year's poll tax."

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each County in the State for at least four successive weeks next preceeding the date of the election hereinafter fixed of the election on the amendment proposed by this act to be submitted to the qualified voters of the State for their consideration, togethed with the proposed amendment.

Section 3. That at the general election next succeeding the present session of the Legislature of Alabama, an election shall be held for the vote of the qualified electors of the State of Alabama upon the proposed amendment. Upon the official ballot printed for such election shall be printed the following, namely: "Shall the following be adopted as an Amendment to the Constitution of Alabama?"

"Any person now or hereafter duly registered as a voter in Mobile County, shall be entitled to have his name placed upon the list of qualified voters of said county for any election, general, special or primary, when he shall have paid the last preceeding year's poll tax."

Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No". The choice of the voter shall be indicated by a cross-mark by him or her opposite the word expressing his or her desire.

Section 4. The officers for said election shall open polls for a vote of the qualified electors of the State upon the proposed

amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon such proposed amendment the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of State, and counted in the same manner as in elections for Governor, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election be made known by proclamation of the Governor.

The above and foregoing bill, H. 287, proposing an amendment to the Constitution, was read one time at length and referred to the Standing Committee on Constitution and Constitutional Amendments.

By Mr. Taylor:

H. 288. A Bill to be entitled An Act to submit to the qualified voters of this State at the general election next succeeding the present session of the Legislature of Alabama, an amendment to the Constitution of Alabama providing that the Legislature may authorize the various judges of the courts of this state and of the political subdivisions thereof to suspend the imposition and execution of sentence, or release under parole, for such time and upon such conditions as said judges may deem reasonable any person convicted of crime or offense in any of the courts of this state or in the courts of any political subdivision thereof; provided always that the provisions of this amendment shall not apply where the crime requires sentence for more than 10 years imprisonment.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration as hereinafter set forth, namely:—

“The Legislature may authorize the various judges of the courts of this state and of the political subdivisions thereof to suspend the imposition and execution of sentence, or release under parole, for such time and upon such conditions as said judges may deem reasonable, any person convicted of crime or offense in any of the courts of this state or in the courts of any political subdivision thereof; provided always that the provisions of this amendment shall not apply where the crime requires sentence for more than 10 years imprisonment.”

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each

County in the State for at least four successive weeks next preceding the date of the election hereinafter fixed of the election on the amendment proposed by this act to be submitted to the qualified voters of the State for their consideration, together with the proposed amendment.

Section 3. That at the general election next succeeding the present session of the Legislature of Alabama, an election shall be held for the vote of the qualified electors of the State of Alabama upon the proposed amendment. Upon the official ballot printed for such election shall be printed the following, namely: "Shall the following be adopted as an Amendment to the Constitution of Alabama?"

"The Legislature may authorize the various judges of the courts of this state and of the political subdivisions thereof to suspend the imposition and execution of sentence, or release under parole, for such time and upon such conditions as said judges may deem reasonable, any person convicted of crime or offense in any of the courts of this state or in the courts of any political subdivisions thereof; provided always that the provisions of this amendment shall not apply where the crime requires sentence for more than 10 years imprisonment."

Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No." The choice of the voter shall be indicated by a cross-mark by him or her opposite the word expressing his or her desire.

Section 4. The officers for said election shall open the polls for a vote of the qualified electors of the State upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon such proposed amendment the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of State, and counted in the same manner as in elections for Governor, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by proclamation of the Governor.

The above and foregoing bill, H. 288, proposing an amendment to the Constitution, was read one time at length and referred to the Standing Committee on Constitution and Constitutional Amendments.

By Mr. Taylor:

H. 289. To provide for the suspension of imposition or execution of sentences and the placing of defendant upon probation; and to prescribe and give power to the judges of the courts of this State and of the political subdivisions thereof to suspend imposition or execution sentences and to place defendant upon probation and to give said judges power of revocation and modification of probation; and to prescribe the duties of probationers.

Judiciary.

By Mr. Rayburn (with notice and proof):

H. 290. To permit moving picture shows on Sunday, whether admission is charged therefor or not, in the city of Guntersville, Alabama, and within the police jurisdiction thereof.

Local Legislation No. One.

Notice and proof H. 290:

NOTICE

Notice is hereby given that the following bill will be introduced at the Special Session of the Legislature of Alabama with the purpose to enact the same into law.

AN ACT

To permit moving picture shows on Sunday, whether admission is charged therefor or not, in the city of Guntersville, Alabama, and within the police jurisdiction thereof.

Be it Enacted by the Legislature of Alabama:

Section 1. It shall be lawful in the City of Guntersville, Alabama, and within the police jurisdiction thereof, to engage in operating moving picture shows on Sunday, whether admission is charged or not.

Section 2. That all laws or parts of laws, general, local or special, in conflict herewith be and the same are hereby expressly repealed.

Section 3. That this act shall take effect immediately upon its passage and approval by the Governor.

2-12-4t

STATE OF ALABAMA }
MARSHALL COUNTY }

Before me, W. B. Hooper, a Notary Public, personally appeared Y. Burke, who, being sworn, deposes and says that he is editor and publisher of The Guntersville Advertiser-Democrat, a weekly newspaper published in said County, and that the publication of a certain notice, of which the foregoing is a true copy, has been made and published in said paper for four consecutive weeks, to-wit: On the 12th day of February, 1936; the 19th day of February, 1936; the 26th day of February, 1936, and the 4th day of March, 1936.

Y. BURKE.

Sworn to and described before me this the 7th day of March, 1936.

W. B. HOOPER,
Notary Public.

(Seal)

By Mr. Rayburn (with notice and proof):

H. 291. To alter the corporate limits of the city of Guntersville, Marshall County, Alabama, and to rearrange and define the boundaries thereof.

Local Legislation No. One.

Notice and proof H. 291:

NOTICE

Notice is hereby given that the following bill will be introduced at the Special Session of the Legislature of Alabama, called to convene on February 11th, 1936, with the purpose to enact the same into law.

AN ACT

To alter the corporate limits of the City of Guntersville, Marshall County, Alabama, and to rearrange and define the boundaries thereof:

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That hereafter the corporate limits of the City of Guntersville, Marshall County, Alabama, shall be as follows: All of the territory now defined and included in Guntersville Precinct Number One, in Marshall County, Alabama. All of the territory embraced within the above described boundaries shall be included within the corporate limits of said City. 2-19-4t.

STATE OF ALABAMA, }
MARSHALL COUNTY. }

Before me, R. H. Williams, Judge of Probate, personally appeared Y. Burke, who, being duly sworn, deposes and says that he is editor and publisher of The Guntersville Advertiser-Democrat, a weekly newspaper published in said county, and that publication of a certain notice, of which the foregoing is a true copy, has been made and published in said paper for four consecutive weeks, to-wit: February 19th, 1936; February 26th, 1936; March 4th, 1936, and March 11th, 1936.

Y. BURKE.

Sworn to and subscribed before me, this 11th day of March, 1936.

R. H. WILLIAMS,
Judge of Probate.

(Seal)

By Mr. Raburn (with notice and proof):

H. 292. To require 25% of the total funds received by Marshall County, Alabama, from the levy and collection by the State of Alabama of gasoline taxes, or taxes on other motor fuels, but not to exceed the sum of \$60,000.00 to be used for the purpose of establishing a sinking fund for the retirement, first, of the outstanding obligations and indebtedness chargeable against and due by Marshall County out of the road and bridge fund or gasoline tax fund of said county, and second after such retirement and

balance of said sum as a sinking fund for the retirement of the principal of all bonds issued against the road and bridge fund of Marshall County, which bonds were issued for the purpose of constructing public roads and bridges in said county, requiring the county treasurer or other like official or depository of said county to set aside said funds for said purposes, and authorizing the commissioners court of said county to purchase and retire before maturity said bonds or any portion thereof with said funds after having first discharged the other obligations against either of said funds, provided that on final payment and retirement of said obligations and of said bonds all funds received by said county from said gasoline taxes or taxes on other motor fuels shall be used as provided by the general laws of Alabama, and to provide the time when this Act shall take effect.

Local Legislation No. One.

Notice and proof H. 292:

NOTICE

Notice is hereby given that the following bill will be introduced at the Special Session of the Legislature of Alabama with the purpose to enact the same into Law.

AN ACT

To require 25% of the total funds received by Marshall County, Alabama, from the levy and collection by the State of Alabama of gasoline taxes, or taxes on other motor fuels, but not to exceed the sum of \$60,000.00 to be used for the purpose of establishing a sinking fund for the retirement, first, of the outstanding obligations and indebtedness chargeable against and due by Marshall County out of the Road and Bridge Fund or Gasoline Tax Fund of said County, and second after such retirement the balance of said sum as a sinking fund for the retirement of the principal of all bonds issued against the road and bridge fund of Marshall County, which bonds were issued for the purpose of constructing public roads and bridges in said County, requiring the County Treasurer or other like official or depository of said County to set aside said funds for said purposes, and authorizing the Commissioners Court of said County to purchase and retire before maturity said bonds or any portion thereof with said funds after having first discharged the other obligations against either of said funds, provided that on final payment and retirement of said obligations and of said bonds all funds received by said County from said gasoline taxes or taxes on other motor fuels shall be used as provided by the General Laws of Alabama, and to provide the time when this Act shall take effect.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That 25% of the total funds, not to exceed the sum of \$60,000.00, received by Marshall County from and after the passage of this Act from the levy and collection by the State of Alabama of gasoline taxes or taxes on other motor fuels shall be set aside and used for the purpose of payment and retirement of the warrants or other indebtedness other than bonded indebtedness due by Marshall County on its Road and Bridge fund

or Gasoline Tax Fund, and second, any excess thereafter shall be set aside and used for the purpose of establishing a sinking fund for the retirement of the bonds of Marshall County which were issued against the Road and Bridge Fund of said County, and which are now outstanding and which were used for constructing public roads and bridges in said County.

Section 2. That the County Treasurer, County Depository or like official of said County shall upon receipt of such funds immediately set aside a sum equal to 25% thereof, the sum total so set aside not to exceed \$60,000.00, in a special fund to be used for no other purpose than the purposes mentioned in this Act until all the indebtedness due by the County out of the Road and Bridge Fund or out of the Gasoline Tax Fund, other than bonds have been paid, and when so paid shall not be used for any other purpose than the payment of the principal on said bonds and any excess to revert back to the gasoline tax fund.

Section 3. The Commissioner's Court of said County may from time to time, as the funds so set aside and accumulated may justify, purchase and retire before maturity said bonds, or any portion thereof with the funds so set aside.

Section 4. That upon the final payment and retirement of said bonds, all such funds received by Marshall County from said taxes from the State of Alabama, as described in Section 1 hereof, shall be used as provided by the General laws of the State of Alabama.

Section 5. That the provision of this act shall take effect immediately upon its passage and approval.
2-19-4t.

STATE OF ALABAMA, }
MARSHALL COUNTY. }

Before me, R. H. Williams, Judge of Probate, personally appeared Y. Burke, who, being duly sworn, deposes and says that he is editor and publisher of The Guntersville Advertiser-Democrat, a weekly newspaper published in said County, and that the publication of a certain notice, of which the foregoing is a true copy, has been made and published in said paper for four consecutive weeks, to-wit: On the 19th day of February, 1936; the 26th day of February, 1936; the 4th day of March, 1936, and the 11th day of March, 1936.

Y. BURKE.

Sworn to and subscribed before me this March 11th, 1936.

R. H. WILLIAMS,
Judge of Probate.

(Seal)

By Mr. Reid (with notice and proof):

H. 293. To authorize and empower the Board of Revenue of Shelby County, Alabama to use so much of the funds derived from the excise tax on gasoline, or other liquid motor fuels, levied under the Act of the Legislature of Alabama, and entitled, "An Act to provide for the General Revenue of the State of Alabama," and as further provided for in Article 8, Chapter 4, and by Schedule 156.1 of said Act, "imposing an excise tax on every distributor, refiner, retail dealer, or storer of gasoline,—providing for the collection and payment of such tax and the distribution of the funds derived therefrom, and fixing the penalties for the violation of any provision thereof", which is to be paid to Shelby County, Ala-

bama, under the provision of Schedule 156.9, as provided for in Article 8, Chapter 4, of an Act of the Legislature of Alabama, approved July 10th, 1935, and entitled, "An Act to provide for the general revenue of the State of Alabama", being House Bill No. 324, for the purpose of paying the compensation of such members of the Board of Revenue of Shelby County, Alabama, while acting as road supervisors in said County for their respective districts, as now provided by law, and to authorize the County Treasurer of Shelby County, Alabama, to immediately upon the passage and approval of this Act to set aside a sufficient sum of said gas tax to be used for the payment of the compensation provided or in Section 1 of this Act.

Local Legislation No. One.

Notice and proof H. 293:

NOTICE

Notice is hereby given by the Board of Revenue of Shelby County, Alabama, of the intention to apply to the Legislature of Alabama, at its present session, for the enactment of the following Bill.

"A BILL

TO BE ENTITLED 'AN ACT.'"

To Authorize and Empower the Board of Revenue of Shelby County, Alabama to use so much of the funds derived from the excise tax on gasoline, or other liquid motor fuels, levied under the Act of the Legislature of Alabama, and entitled, "An Act to Provide for the General Revenue of the State of Alabama, and as further provided for in Article 8, Chapter 4, and by Schedule 156.1 of said Act, "imposing an excise tax on every distributor, refiner, retail dealer, or storer of gasoline,—providing for the collection and payment of such tax and the distribution of the funds derived therefrom, and fixing the penalties for the violation of any provision thereof", which is to be paid to Shelby County, Alabama, under the provision of Schedule 156.9, as provided for in Article 8, Chapter 4, of an Act of the Legislature of Alabama, approved July 10th, 1935, and entitled, "An Act to Provide for the General Revenue of the State of Alabama", being House Bill No. 324, for the purpose of paying the compensation of such members of the Board of Revenue of Shelby County, Alabama, while acting as road supervisors in said County for their respective districts, as now provided by law, and to authorize the County Treasurer of Shelby County, Alabama, to immediately upon the passage and approval of this Act to set aside a sufficient sum of said gas tax to be used for the payment of the compensation provided for in Section 1 of this Act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the Board of Revenue of Shelby County, Alabama, be and hereby is authorized and empowered to use so much of the funds derived from the excise tax on gasoline, or other liquid motor fuel, levied under the Act of the Legislature of Alabama, and entitled, "An Act to Provide for the General Revenue of the State of Alabama", and as further provided for in Article 8, Chapter 4, and by Schedule 156.1 of said Act, "imposing an

excise tax on every distributor, refiner, retail dealer, or storer of gasoline,—providing for the collection and payment of such tax and the distribution of the funds derived therefrom, and fixing the penalties for the violation of any provision thereof”, which is to be paid to Shelby County, Alabama, under the provision of Schedule 156.9, as provided for in Article 8, Chapter 4, of an Act of the Legislature of Alabama, approved July 10th, 1935, and entitled, “An Act to Provide for the General Revenue of the State of Alabama”, being House Bill No. 324, for the purpose of paying the compensation of such members of the Board of Revenue of Shelby County, Alabama, while acting as road supervisors in said County for their respective districts, as now provided by law.

Section 2. The County Treasurer of Shelby County, Alabama, shall immediately upon the passage and approval of this act set aside a sufficient sum of said gas tax to be used for the payment of the compensation provided for in Section 1 of this Act.

J. M. LYON,

President, Board of Revenue of Shelby County, Alabama.

STATE OF ALABAMA }
SHELBY COUNTY }

Before me, L. C. Walker, Judge of Probate in and for said County, and in said State, personally appeared Frank Head, who being by me first duly sworn, deposes and says that he is publisher of the The Shelby County Democrat, a newspaper published at Shelby County, Columbiana, Alabama, and that the publication of a certain notice which contains a copy of the proposed Bill to authorize and empower the Board of Revenue of Shelby County, Alabama, to use so much of the funds derived from the excise tax on gasoline or other liquid motor fuels, levied under the Act of the Legislature of Alabama, and entitled, “An Act to Provide for the General Revenue of the State of Alabama”, a true copy of which is hereto affixed, have been made in said The Shelby County Democrat for four weeks consecutively, to-wit: In the issues hereof dated as follows:

February 20, 1936,

February 27, 1936,

March 5, 1936,

March 12, 1936.

FRANK HEAD.

Sworn to and subscribed before me on this the 13th day of March, 1936.

L. C. WALKER,

Judge of Probate.

By Mr. Reid:

H. 294. A bill to be entitled An Act to propose an amendment to the Constitution of the State of Alabama of 1901, whereby the Town of Montevallo, Alabama, may levy and collect a rate of taxation on the property situated therein not exceeding in the total in any one year one and one half per centum of the value of such property, as assessed, as provided by the Constitution and statutes now or hereafter enacted pursuant to the Constitution; provided that the total rate of taxation levied by such municipal corporation shall not in any one year exceed one per centum, unless the rate in excess thereof shall have been submitted to and authorized by ballot by the qualified electors of such municipality,

at an election or elections to be held by it from time to time for such purpose, and to order an election of the qualified electors of the State of Alabama upon such proposed amendment to be held at the next general election for state and county officers in November 1936.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama of 1901 is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment, and the day hereby appointed for such election is the general election to be held in 1936.

The proposed amendment is as follows:

The Town of Montevallo, Alabama, shall have the power and right to levy and collect a tax of one half of one per centum in any one year on property situated therein based on the valuation of such property as assessed for State taxation for the tax year ending on the 30th day of September next succeeding the levy; provided, that for the purpose of paying bonds issued and outstanding at the time of the adoption of this amendment and the interest thereon, and for the purpose of paying bonds which may be issued after the adoption of this amendment and the interest thereon, an additional tax of one half of one per centum may be levied and collected by said municipality, provided, further, that a majority of the qualified electors of said municipality voting at an election called for that purpose may vote a special tax not to exceed one half of one per centum in any one year for any special purpose, or purposes for which it is levied and collected; provided, however, that the total tax to be levied shall not exceed one and one half ($1\frac{1}{2}$) per centum in any one year. Provided, further, that the adoption of this amendment shall in no wise affect, limit, modify, abridge or impair the power, authority or right of said municipal corporation to levy and collect the special school taxes, now or hereafter vested in or conferred upon it, under the Constitution or any amendment thereto. Each election held under the provisions hereof shall be ordered, held, canvasses and may be contested in the same manner as is or may be provided by law applicable to municipal corporations for elections to authorize the issuance of municipal bonds. The ballots used at such election shall contain the words; "For..... excess rate of taxation for the year (or years).....;" and "Against..... excess rate of taxation for the year (or years).....". The rate of taxation proposed in excess of the rate of one (1) per centum to be shown in the blank space provided therefor, and the year or years in which the proposed rate is to apply to be shown in the blank space provided therefor. The voter shall record his choice, whether for or against the excess rate shown by placing a cross

mark before the words expressing his choice. Nothing herein contained shall in anywise change or affect the right of any holder of bonds of said municipal corporation heretofore issued. Elections to authorize the levy of such special tax may be held as often as ordered by the governing body of the municipality, but when a proposition is submitted to the electors of said municipality to levy a special tax for a specified purpose, and such proposition is defeated, no second election for the same purpose shall be held in one year thereafter.

Section 2. It shall be the duty of the governor to give notice by proclamation, to be published in one newspaper in each county in the State, at least eight consecutive weeks next preceding the said election on the amendment proposed by this act to be submitted to the qualified electors of the State for their consideration, together with the proposed amendment.

Section 3. That at the said election on the amendment proposed by this act to be submitted to the qualified electors of the State for their consideration, to be held as herein provided for, the qualified electors shall vote upon said amendment, and on the official ballots printed for such election there shall be printed the following, viz; Shall the following be adopted as an amendment to the Constitution of Alabama: The Town of Montevallo, Alabama, shall have the power and the right to levy and collect a tax of one half of one per centum in any one year on property situated therein, based on the valuation of such property as assessed for state taxation for the tax year ending on the 30th day of September next succeeding the levy; provided that for the purpose of paying bonds issued and outstanding at the time of the adoption of this amendment and the interest thereon, and for the purpose of paying bonds which may be issued after the adoption of this amendment and the interest thereon, an additional tax of one half of one per centum may be levied and collected by said municipality; providing further, that a majority of the qualified voters of said municipal corporation voting at an election called for the purpose may vote a special tax not to exceed one half of one per centum in any one year for any special purpose or purposes, which tax shall be used only for the purpose or purposes for which the same was levied and collected; provided, however, that the total tax to be levied by any municipal corporation shall not exceed one and one half ($1\frac{1}{2}$) per centum in any one year. Each election held under the provisions hereof shall be ordered, held, canvassed and may be contested in the same manner as is or may be provided by the law applicable to the municipal corporation for elections to authorize the issuance of municipal bond. The ballots used at such election shall contain the words; "For _____ excess rate of taxation for the year (or years) _____;"

and "Against..... excess rate of taxation for the year (or years)..... "The rate of taxation proposed in excess of the rate of one per centum to be shown in the blank space provided therefor and the year or years in which the proposed rate is to apply to be shown in the blank space provided therefor and in the event different excess rates are proposed for different years the words mentioned shall be repeated as often as may be necessary to show separately the different excess rates proposed to be applied to the respective years. And the voter shall record his choice, whether for or against the excess rate or rates shown, by placing a cross mark before the words expressing his choice, Nothing herein contained shall in any wise change or affect the right of any holder of bonds of said municipal corporation heretofore issued. Elections to authorize the levy of such special tax may be held as often as ordered by the governing body of the municipality, but when a proposition is submitted to the electors to levy a special tax for a specified purpose, and such proposition is defeated no second election for the same purpose shall be held in one year thereafter. This amendment shall be self-executing and no act of the Legislature shall be required to put the same, or any part thereof, in force.

Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No". The choice of the elector shall be indicated by a cross mark made by him, or under his direction, opposite the word expressing his desire.

Section 4. That the officers to hold such election shall be the same, and shall be appointed in the same manner and by the same officials as provided by the election law of the State for the appointment of officers to hold general elections in this State, and the election shall be held in all things in accordance with the law governing general elections and with the constitutional provisions concerning amendments to that instrument.

Section 5. That the votes cast at said election shall be counted, canvassed and tabulated and return made to the Secretary of State in the same manner as in elections of representatives to the legislature; and if it shall thereupon appear that majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid in all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by proclamations of the Governor.

Section 6. The expenses of the election herein provided for and the cost of the publication of the notices shall be paid out of the state treasury in the same manner as the expenses of the general elections are paid.

The above and foregoing bill, H. 294, proposing an amendment to the Constitution, was read one time at length and referred to the Standing Committee on Constitution and Constitutional Amendments.

By Mr. Owens (Madison):

H. 295. To relieve the emergency whereby the Public Schools in many Counties of Alabama are unable for lack of funds to complete a seven months term for the school year of 1935-36, by appropriating the receipts from Franchise Taxes of Foreign and Domestic Corporations, as collected after the passage of this Act, for the fiscal year 1935-36 to the use of the Public Schools of Alabama, and authorizing and directing the Governor of Alabama to allocate the same to make the term of the Public Schools for 1935-36 as nearly as possible the same in the several counties of the State:

Ways and Means.

By Mr. Rayburn (with notice and proof):

H. 296. To establish a Court of County Commissioners for Marshall County, Alabama, in lieu of the Board of Revenue as now provided by law for said County; to fix the number of members thereof, and to prescribe the districts of said Court, to provide for the appointment and election of the members of said Court, to fix their duties, powers, compensation and terms of office; to provide that the Judge of Probate of Marshall County, Alabama, shall be Ex-Officio Judge and Chairman of said Court; to fix his powers, duties and compensation, and provide for its payment and provide that all laws and parts of laws, both general and special, in conflict with the provisions of this Act be, and the same are hereby repealed, and to provide when said Act shall go into effect.

Local Legislation No. One.

Notice and proof H. 296:

NOTICE

Notice is hereby given that the following bill will be introduced at the Special Session of the Legislature of Alabama, called to convene on February 11th, 1936, with the purpose to enact same into law.

AN ACT

To establish a Court of County Commissioners for Marshall County, Alabama, in lieu of the Board of Revenue as now provided by law for said County; to fix the number of members thereof, and to prescribe the districts of said Court, to provide for the appointment and election of the members of said Court, to fix their duties, powers, compensation and terms of office;

to provide that the Judge of Probate of Marshall County, Alabama, shall be Ex-Officio Judge and Chairman of said Court; to fix his powers, duties and compensation, and provide for its payment and provide that all laws and parts of laws, both general and special, in conflict with the provisions of this Act be, and the same are hereby repealed, and to provide when said Act shall go into effect.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That there is hereby created and established a Court of County Commissioners for Marshall County, Alabama, consisting of the Probate Judge as Judge and Chairman of said Court and four associate members.

Section 2. That after the passage and approval of this Act; the present members of the Board of Revenue elected to such office from districts one, two, three and four as constituted by law prior to the Act of the Legislature approved September 13, 1935, shall become members of the Court of County Commissioners as herein and hereby created and shall hold office until the first Monday after the second Tuesday in January of the year 1939, until their successors are elected and qualified. Said Commissioners shall be elected by the qualified voters of their respective districts as herein created in Section 3 of this Act at the general election on the second Tuesday in November, 1938, and each shall reside in his district. In case of a vacancy on said Board the vacancy shall be filled by appointment by the Governor.

That three members of the Commissioners' Court shall constitute a quorum of said Court. The Judge of Probate shall preside over said Court and also shall have a vote in the deliberations of said Court.

Section 3. District number 1 of said Commissioners' Court of Marshall County shall be and embrace all of the territory of Marshall County, lying and being included within the present boundaries of the following Precincts, to-wit: 1, 12, 14, 15, 21, 25, 26, 27, and 29; District number 2 of said Commissioners' Court of Marshall County shall be and embrace all of the territory of Marshall County lying and being included within the present boundary north of the Tennessee River of the following Precincts as now constituted in said County, to-wit: Precincts 7, 8, 9, 10, 11, 19, 23 and 30; District number 3 of said Commissioners' Court of Marshall County shall be and embrace all of the territory of Marshall County lying and being included within the present boundaries of the following Precincts as now constituted in said County to-wit: Beats number 2, 3, 4, 13, 16, 22 and 28; District number 4 of said Commissioners' Court of Marshall County shall be and embrace all of the territory in Marshall County lying and being included within present boundaries of the following Precincts as now constituted in said County, to-wit: 5, 6, 17, 18, 20 and 24.

Section 4. That the salary or fees of said Commissioners or Members of the Court of County Commissioners as herein created for Marshall County shall be \$3.50 per day for each day they are engaged in attendance upon said court, and also for each day that they are engaged in working or supervising and controlling the public roads and bridges of said County, payable immediately after each adjournment of said court out of the General Fund of said County, and the salary of the Probate Judge, acting as Chairman of said Court of said County, shall be \$4.00 per day for each day said Court is in session, payable on the adjournment of each session of said Court. The salary of said Probate Judge to be in addition to the salary now provided for said Probate Judge; the Probate Judge shall also be Clerk or Secretary of said Court and shall keep the minutes of said court in a well-bound book and also issue all warrants for the payment of claims passed by said court. That said members of said court shall not be required to devote their entire time to the duties of their office, but all shall be required to attend the meetings of said Court, which shall hold its session on the third Monday

of each month and may continue in session as long as may be necessary to conduct the business of the County and may adjourn said meetings to any day they may desire and may hold special session at any time upon the call of the Chairman. The sessions of said Court shall be held at the Courthouse in Guntersville in said County; no mileage shall be paid to any member of said Court.

Section 5. That said court shall have the power and authority and it shall be its duty to control and preserve the property of Marshall County as it may deem best according to law; to have supervision and control of all public roads and bridges in said County; to levy a tax for general purposes and special taxes for particular county purposes according to the provisions of the Constitution and Laws of the State of Alabama, and to provide for their collection; to examine, allow, settle and compromise accounts and claims chargeable against the County; to have control and make provision of the poor and indigent of the County; to have the right and authority to bind the County in any legal contract for the payment of money; to pay any debt due by the County on any existing lawful contract; to re-finance the bonded debt of the County; to issue such warrant or warrants, or provide for their issuance as may be necessary from time to time in the conduct of the business of the County and to refinance on the best possible terms any existing indebtedness of the County lawfully created, and for such length of time, not to exceed 20 years, as it may deem, by proper resolution spread upon its minutes, to the best interest of the County, and may issue interest bearing warrant or warrants bearing coupons for such interest as it may agree with the purchase of same and must keep a register of all such warrants showing the amount of each of such warrants, its date, due day, to whom issued and for what purpose issued and when so issued such Court of County Commissioners' shall set up a Sinking Fund out of any monies or funds belonging to and to accrue to said County for the retirement of such warrants and at least 5% of the amount of such warrants so issued shall mature and be paid each year until the whole shall be paid by said County; shall not pay a rate of interest in excess of 5% on such indebtedness, and in the case of bonds when they are re-financed not to exceed the rate of interest of the bonds being refunded, to borrow money as provided by law for the County and to see that the depository of County funds shall keep on hand at all times, sufficient money to pay all jurors and salaries and allowances of County officials when due, the same being hereby declared preferred claims against the County and against its funds and in addition to the above powers and authorities, all jurisdictions, powers, authorities and duties as may now and may hereafter be vested by law in the Courts of County Commissioners or Boards of Revenue of this State and the several members of said Court shall perform all their duties and services and exercise the powers enjoined upon them by law except as otherwise provided for by this Act.

Section 6. That all general laws hereafter enacted in relation to the jurisdiction, power, authority and duties of Commissioners' Court and Boards of Revenue shall govern and be deemed to apply to the Court of County Commissioners of Marshall County.

Section 7. That the Probate Judge as Chairman of said Court shall be its presiding officer, shall have a vote on all questions before said Court, shall sign the minutes of the proceedings of said Court and shall have the same power and authority as the other members in passing on all questions, shall sign and draw all warrants drawn on the County Depositories, and all orders for the payment and disbursement of the funds of the County, shall sign all contracts entered into by the Court of County Commissioners for and on behalf of said County. It shall be the duty of the Probate

Judge to prepare business and obtain information for the session of the Court and to see that all orders thereof are properly issued. He shall exercise all of the duties required of the Probate Judges as to matters coming before the Courts of County Commissioners.

Section 8. All records of said court shall be kept in the office of the Judge of Probate and be at all times open to the inspection of any of the citizens of Marshall County and perform such other matters and duties as may be required of him by said court of County Commissioners.

Section 9. The Court of County Commissioners of Marshall County nor any of the members thereof directly or indirectly shall hire any person or persons or engage the services of any person or persons for any purpose for Marshall County who are related to any of the members of the Court of County Commissioners within the third degree by affinity or consanguinity nor shall any warrant or warrants be issued for the payment of such services or any such person so related within said degree to any member of said Court.

Section 10. That if any Section, clause, provision or portion of this Act shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other section, clause, provision or portion thereof, which is not of its unconstitutionality.

Section 11. That all laws or parts of laws, general, local or special, in conflict with the provisions of this Act be and the same are hereby repealed. 2-19-4t.

STATE OF ALABAMA, }
MARSHALL COUNTY. }

Before me, R. H. Williams, Judge of Probate, personally appeared Y. Burke, who, being duly sworn, deposes and says that he is editor and publisher of The Guntersville Advertiser-Democrat, a weekly newspaper published in said County, and that the publication of a certain notice, of which the foregoing is a true copy, has been made and published in said paper for four consecutive weeks, to-wit: On February 19, 1936; February 26, 1936; March 4, 1936, and March 11, 1936.

Y. BURKE.

Sworn to and subscribed before me this March 11th, 1936.

R. H. WILLIAMS,

Judge of Probate.

(Seal)

BILLS ON SECOND READING

Mr. Calhoun, Chairman of the Standing Committee on Revision of Laws, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. Shaver:

H. 262. To amend an Act Entitled: "An Act to Authorize all cities and towns within the State of Alabama to fix and collect licenses for any business, trade or profession done outside the corporate limits but within the police jurisdiction thereof," Approved September 6, 1927, as amended by Act of the Legislature of Alabama approved November 9, 1932.

By Mr. Arnold:

H. 195. To provide for assessment, collection and sale of property for ad valorem taxes on real estate, to provide for assessment of such taxes every four years, subject to certain exceptions, and for payment of such taxes on basis last preceding assessment; to fix penalties for failure of any owner to assess any taxable real estate any year; to provide for quarterly payment of all such taxes, and to fix time and conditions under which entire tax becomes due and delinquent, and when real and personal property may be sold therefor, and to regulate such sales; and to extend and fix time within which tax collections are required to make final settlement.

Mr. Delony, Chairman of the Standing Committee on Appropriations, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. Hill:

H. 244. To amend sub-section D of Section 1 of an act entitled: "An Act in relation to the educational system of Alabama: to make annual appropriations and provide funds for the support, maintenance and development of Public Education in Alabama, for the fiscal years ending September 30, 1936, 1937, 1938 and 1939, including all schools, agencies, services and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, The Alabama School of Trades & Industries, The Alabama College, The Alabama Polytechnic Institute and The University of Alabama. (Approved September 2, 1935.)'

By Mr. Fletcher:

S. 57. To authorize, require and provide for payment of the sum of Eighteen Hundred Eighty Dollars (\$1880.00) for the relief of F. H. Gilliam, former Tax Collector of Madison County, said sum being an amount paid by him to the State of Alabama on charges made against him in a report of an examination of his office, for being delinquent 188 days in making final settlement with the State.

Mr. Wright, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following Bill and ordered same returned to the House with a favorable report:

By Mr. Hill:

H. 243. To amend, by adding Section 4½ and amending Section 5, an Act entitled: "An Act in relation to the public school system of Alabama: To make appropriations and provide funds

for the support, maintenance, and development of the public school system of the State. (Approved September 2, 1935.)"

Mr. Glover, Chairman of the Standing Committee on Local Legislation No. One, reported that said committee, in session, had acted on the following bills and ordered same returned to the House without recommendation:

By Mr. Staples (with notice and proof) (without recommendation):

H. 259. To provide for additional clerks in the offices of the Probate Judge, Tax Collector, Tax Assessor, Clerk and Register of the Circuit Court, of Mobile County; to fix the method and basis of their appointment and compensation and to designate the fund from which payable. To repeal all laws in conflict herewith; to provide that the partial invalidity of this act shall not affect the remainder hereof; and to fix the time when this act shall become effective.

By Mr. Taylor (with notice and proof) (without recommendation):

H. 260. To appropriate out of any monies collected as fees now or afterwards in possession of the Probate Judge of Mobile County \$175.00 per month and the pro-rata fractional part thereof, from November 20th 1935 to the date of the passage of this act, to the person who has been performing necessary work as an assistant tax redemption clerk in said Probate Court. Said sums to be in compensation for said services which have been rendered. To provide the method of payment thereof. To repeal all laws in conflict herewith and to fix the time when this act shall become effective.

Mr. McDermott, Chairman of the Standing Committee on Seaports, Harbors and Maritime Commerce, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Rogers (Mobile):

S. 81. To Amend an Act approved September 13, 1935, entitled 'An Act To Amend Section 28 of an Act entitled "An Act to create a pilotage commission; to define its jurisdiction, powers, and duties; to regulate pilots and pilotage, and to fix fees therefor; to prescribe the mode, penalties, and procedure for violation of this Act; and to repeal all laws in conflict therewith," approved March 4, 1931' "

The above and foregoing bills were severally read a second time and placed on the Calendar.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate bill, your signature thereto is requested:

S. 49. To amend Sections 7547, 7551, 7552, 7554, 7556, 7557, 7558, 7560, 7563, 7567, and 7596 of the Code of Alabama of 1923, and to repeal Section 7562 of said Code.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing Message from the Senate.

REPORT OF STANDING COMMITTEE ON ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed bills begs leave to report that said committee, in session, has compared the following engrossed bills with the original bills and finds same correctly engrossed, to-wit:

H. 8. TO AMEND Section 161-A of an ACT "To Provide for the General Revenue of the State of Alabama", approved July 10, 1935.

Also:

H. 207. To provide for the taking of non-game fish in artificially impounded public waters lying within the boundaries of all counties of the State of Alabama which now or may hereafter have a population of not more than fifteen thousand (15,000) according to the last or any subsequent Federal Census; to provide means and devices for taking the same in said waters; to provide for license for the use of said devices and the means of issuing and procuring the same; to provide for penalties for violating the provisions of this Act; to provide that all revenues derived from the provisions of this Act shall be remitted on the first day of each month to the Commissioner of Conservation of Game, Fish and Seafoods, which shall be by him paid into the Treasury of the

State of Alabama to the credit of the Game and Fish Fund; and to provide when this Act shall become effective.

M. P. Kelly,
Chairman.

The report of the Standing Committee on Engrossed Bills was concurred in and adopted.

RESOLUTION

Mr. Welch offered the following Resolution:

By Mr. Welch:

H. J. R. 25. WHEREAS, the Library of Congress exchanges law and other journals with the Supreme Court Library of Alabama; and

WHEREAS, in order to fill the needs of the Library of Congress eight (8) copies of the Laws of Alabama and eight (8) sets of the House and Senate Journals are necessary; and

WHEREAS, the Secretary of State is only authorized to furnish two (2) copies of the Laws and two (2) sets of the House and Senate Journals for the purpose of copyright;

NOW, THEREFORE, be it resolved by the House of Representatives, the Senate concurring, that the Secretary of State of Alabama is hereby authorized and directed to furnish to the Library of Congress for the Division of Documents, eight (8) copies of the General and Local Laws of the State of Alabama for the 1935 session, as well as each succeeding session, and eight (8) sets of the House and Senate Journals of the 1935 session and each succeeding session, and that the Secretary of State be credited with the copies so furnished.

On motion of Mr. Welch the rules were suspended and the resolution, H. J. R. 25, was adopted.

BILLS ON THIRD READING

H. 258. To relieve all persons in Marion County, Alabama, of any legal obligations to work on the public roads or streets in said county, or to pay any money in lieu of such obligation to work on the public roads or streets in Marion County, Alabama.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:**Messrs.:**

Mr. Speaker	Doster	Lusk	Shaver
Adams	Douglass	Miles	Shipman
Arnold	Glover	Miller	Sightler
Austin	Goolsby	Moore	Spence
Blann	Haley	McGowin	Steele
Boswell	Hall	McPhaul	Street
Bridges	Hanks	O'Neal	Taylor
Britton	Hare	Petrey	Terry
Bulger	Harrison	Poole	Todd
Byars	Henson	Propst	Tolbert
Calhoun	Hill	Quarles	Toomer
Carter	Hodges	Rayburn	Waldrep
Chichester	Hollis	Reeder	Wallace
Connor	Jones	Reid	Welch
Cox	Kelly	Reynolds	Williams
Davis	Kirby	Sanderson	Wright
Delony	Long		

—66

On motion of Mr. Hill the bill, H. 258 was ordered sent forth-with to the Senate without engrossment.

H. 257. To provide for the election of members of the Board of Education of Marion County, and the time and manner thereof and the time and manner of the election and selection of the successors to the present members of said Board; to provide that one member of said Board shall be elected by the qualified electors of each of the sub-divisions of said county herein designated and described; and to provide for their terms of office and to provide for the duties and powers of the same Board of Education, and for the compensation and qualification of members thereof.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:**Messrs.:**

Mr. Speaker	Doster	Lusk	Shaver
Adams	Douglass	Miles	Shipman
Arnold	Glover	Miles	Sightler
Austin	Goolsby	Moore	Spence
Blann	Haley	McGowin	Steele
Boswell	Hall	McPhaul	Street
Bridges	Hanks	O'Neal	Taylor
Britton	Hare	Petrey	Terry
Bulger	Harrison	Poole	Todd
Byars	Henson	Propst	Tolbert
Calhoun	Hill	Quarles	Toomer
Carter	Hodges	Rayburn	Waldrep
Chichester	Hollis	Reeder	Wallace
Connor	Jones	Reid	Welch
Cox	Kelly	Reynolds	Williams
Davis	Kirby	Sanderson	Wright
Delony	Long		

—66

On motion of Mr. Hill the bill, H. 257 was ordered sent forth-with to the Senate without engrossment.

H. 272. To require the Court of County Commissioners, or like governing body, of Marion County to appropriate **annually** out of the general fund of the county a sum not less than \$2,100 for the purpose of maintaining and operating a health department in said county; said sum to be a preferred claim and payable to the budget of the Marion County Health Department for the maintenance and operation of a health department in said county.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Doster	Lusk	Shaver
Adams	Douglass	Miles	Shipman
Arnold	Glover	Miles	Sightler
Austin	Goolsby	Moore	Spence
Blann	Haley	McGowin	Steele
Boswell	Hall	McPhaul	Street
Bridges	Hanks	O'Neal	Taylor
Britton	Hare	Petrey	Terry
Bulger	Harrison	Poole	Todd
Byars	Henson	Propst	Tolbert
Calhoun	Hill	Quarles	Toomer
Carter	Hodges	Rayburn	Waldrep
Chichester	Hollis	Reeder	Wallace
Connor	Jones	Reid	Welch
Cox	Kelly	Reynolds	Williams
Davis	Kirby	Sanderson	Wright
Delony	Long		

—66

On motion of Mr. Hill the bill, H. 272 was ordered sent forth-with to the Senate without engrossment.

S. 53. To authorize and empower the County Board of Education of Chilton County, Alabama to rent offices, buildings or parts of buildings for quarters or offices to be used by said County Board of Education and the Superintendent of Education and his assistants, of said county, and to authorize the Board of Education of Chilton County, Alabama to purchase or buy necessary office equipment, supplies, stationery, postage, janitorial supplies, coal, telephone, lights and water and hire janitor services and to pay for the same out of the School funds of Chilton County, Alabama.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:**Messrs.:**

Mr. Speaker	Doster	Lusk	Shaver
Adams	Douglass	Miles	Shipman
Arnold	Glover	Miller	Sightler
Austin	Goolsby	Moore	Spence
Blann	Haley	McGowin	Steele
Boswell	Hall	McPhaul	Street
Bridges	Hanks	O'Neal	Taylor
Britton	Hare	Petrey	Terry
Bulger	Harrison	Poole	Todd
Byars	Henson	Propst	Tolbert
Calhoun	Hill	Quarles	Toomer
Carter	Hodges	Rayburn	Waldrep
Chichester	Hollis	Reeder	Wallace
Connor	Jones	Reid	Welch
Cox	Kelly	Reynolds	Williams
Davis	Kirby	Sanderson	Wright
Delony	Long		

—66

S. 54. To require the Court of County Commissioners of Chilton County, Alabama to set-aside and appropriate, after payment has been made of the liability of Chilton County, Alabama, for its share of paving the Clanton-Selma Highway in Chilton County, Alabama, such part of the funds received by Chilton County, Alabama, from the State of Alabama as Gasoline Tax as will equal its part or share of said tax to the extent of 1c per gallon of said gasoline tax, for the purpose constructing and maintaining in said Chilton County, Alabama public Highway of a permanent type of paved road and to prohibit the Court of County Commissioners of Chilton County, Alabama from expending its gasoline tax received from the State of Alabama to the extent of the tax of 1c per gallon for any other purposes.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:**Messrs.:**

Mr. Speaker	Cox	Hodges	Poole
Adams	Davis	Hollis	Propst
Arnold	Delony	Jones	Quarles
Austin	Doster	Kelly	Rayburn
Blann	Douglass	Kirby	Reeder
Boswell	Glover	Long	Reid
Bridges	Goolsby	Lusk	Reynolds
Britton	Haley	Miles	Sanderson
Bulger	Hall	Miller	Shaver
Byars	Hanks	Moore	Shipman
Calhoun	Hare	McGowin	Sightler
Carter	Harrison	McPhaul	Spence
Chichester	Henson	O'Neal	Steele
Connor	Hill	Petrey	Street

Taylor
Terry
Todd

Tolbert
Toomer
Waldrep

Wallace
Welch

Williams
Wright

—66

H. 273. To further provide for the operation and control of school buses operated by, or under the direction of the County Board of Education of all counties in the state of Alabama having a population of 300,000 or more persons according to the last or any subsequent Federal census.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker

Adams

Arnold

Austin

Blann

Boswell

Bridges

Britton

Bulger

Byars

Calhoun

Carter

Chichester

Connor

Cox

Davis

Delony

Doster

Douglass

Glover

Goolsby

Haley

Hall

Hanks

Hare

Harrison

Henson

Hill

Hodges

Hollis

Jones

Kelly

Kirby

Long

Lusk

Miles

Miller

Moore

McGowin

McPhaul

O'Neal

Petrey

Poole

Propst

Quarles

Rayburn

Reeder

Reid

Reynolds

Sanderson

Shaver

Shipman

Sightler

Spence

Steele

Street

Taylor

Terry

Todd

Tolbert

Toomer

Waldrep

Wallace

Welch

Williams

Wright

—66

On motion of Mr. Connor the bill, H. 273 was ordered sent forthwith to the Senate without engrossment.

H. 177. To provide for the appointment of deputy circuit solicitors in all counties of this state, having a population of 300,000 or more according to the last or any subsequent Federal census, to prescribe their duties and to fix their compensation and to provide the way and manner of paying the same.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker

Adams

Arnold

Austin

Blann

Boswell

Bridges

Britton

Bulger

Byars

Calhoun

Carter

Chichester

Connor

Cox

Davis

Delony

Doster

Douglass

Glover

Goolsby

Haley

Hall

Hanks

Hare

Harrison

Henson

Hill

Hodges	McGowin	Reynolds	Terry
Hollis	McPhaul	Sanderson	Todd
Jones	O'Neal	Shaver	Tolbert
Kelly	Petrey	Shipman	Toomer
Kirby	Poole	Sightler	Waldrep
Long	Propst	Spence	Wallace
Lusk	Quarles	Steele	Welch
Miles	Rayburn	Street	Williams
Miller	Reeder	Taylor	Wright
Moore	Reid		

—66

On motion of Mr. Adams the bill, H. 177 was ordered sent forthwith to the Senate without engrossment.

H. 173. To amend Sections I, II, III, IV, V, VI, VII, VIII, IX, X, XI, and XII, of an Act entitled "An Act to regulate the occupation and practice of Cosmetology in all Counties of the State of Alabama now having or which may hereafter have a population of 400,000 or more according to the last or any subsequent Federal census; to establish a Board of Cosmetological Examiners in each of such counties; to define the duties of such Boards, the election of officers, etc. and their duties; provide for the salaries of such Boards and the employees of such Boards, to define what shall constitute the practice of Cosmetology in such counties; to set up qualifications for apprentices or students in such counties and for admission to practice Cosmetology; to provide for issuance of certificates of registration for shops and schools in such counties; to provide requirements of shops and schools teaching Cosmetology in such counties, provide for the refusal or revocation of certificates of registration in such counties, the requirement of renewal of registration and licenses in such counties and penalties for the violation of this Act," which became a law July 23rd, 1931.

Was taken up. The question was on the adoption of the amendment reported by the Standing Committee on Local Legislation No. Two, said committee amendment being as follows:

AMENDMENT TO HOUSE BILL 173

Amend said act by adding at the end of section I and just before section II the following:

Provided that none of the provisions of this act shall apply to schools or classes conducted by the public schools.

And the amendment was adopted.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Doster	Lusk	Shaver
Adams	Douglass	Miles	Shipman
Arnold	Glover	Miller	Sightler
Austin	Goolsby	Moore	Spence
Blann	Haley	McGowin	Steele
Boswell	Hall	McPhaul	Street
Bridges	Hanks	O'Neal	Taylor
Britton	Hare	Petrey	Terry
Bulger	Harrison	Poole	Todd
Byars	Henson	Propst	Tolbert
Calhoun	Hill	Quarles	Toomer
Carter	Hodges	Rayburn	Waldrep
Chichester	Hollis	Reeder	Wallace
Connor	Jones	Reid	Welch
Cox	Kelly	Reynolds	Williams
Davis	Kirby	Sanderson	Wright
Delony	Long		

—66

And the bill:

H. 173. To amend Sections I, II, III, IV, V, VI, VII, VIII, IX, X, XI, and XII, of an Act entitled "An Act to regulate the occupation and practice of Cosmetology in all Counties of the State of Alabama now having or which may hereafter have a population of 400,000 or more according to the last or any subsequent Federal census; to establish a Board of Cosmetological Examiners in each of such counties; to define the duties of such Boards, the election of officers, etc. and their duties; provide for the salaries of such Boards and the employees of such Boards, to define what shall constitute the practice of Cosmetology in such counties; to set up qualifications for apprentices or students in such counties and for admission to practice Cosmetology; to provide for issuance of certificates of registration for shops and schools in such counties; to provide requirements of shops and schools teaching Cosmetology in such counties, provide for the refusal or revocation of certificates of registration in such counties, the requirement of renewal of registration and licenses in such counties and penalties for the violation of this Act," which became a law July 23rd, 1931.

As amended, was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Bridges	Chichester	Douglass
Adams	Britton	Connor	Glover
Arnold	Bulger	Cox	Goolsby
Austin	Byars	Davis	Haley
Blann	Calhoun	Delony	Hall
Boswell	Carter	Doster	Hanks

Hare	Miles	Reeder	Taylor
Harrison	Miller	Reid	Terry
Henson	Moore	Reynolds	Todd
Hill	McGowin	Sanderson	Tolbert
Hodges	McPhaul	Shaver	Toomer
Hollis	O'Neal	Shipman	Waldrep
Jones	Petrey	Sightler	Wallace
Kelly	Poole	Spence	Welch
Kirby	Propst	Steele	Williams
Long	Quarles	Street	Wright
Lusk	Rayburn		

—66

On motion of Mr. Todd the bill H. 173 was ordered sent forth-with to the Senate without engrossment.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following joint resolution:

By the Rules Committee:

S. J. R. 28. BE IT RESOLVED BY THE SENATE, the House concurring, that when the two Houses adjourn today, they adjourn to meet again Tuesday, March 17, 1936, at 10 A. M.

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Harrison the rules were suspended and the resolution, S. J. R. 28, was adopted.

On motion of Mr. Harrison the House resolved itself into a Committee of the Whole for the consideration of H. 21 and other bills relating to the general revenue of the State of Alabama. Speaker Walker, under rules of the House, appointed Representative Robertson (Cullman) as Chairman of the Committee of the Whole.

COMMITTEE OF THE WHOLE

The House Committee of the Whole, with Representative Robertson (Cullman) presiding, considered H. 21 and other measures relating to the general revenue of the State of Alabama.

On motion of Mr. Harrison the Committee of the Whole voted to report progress to the House and ask for further time.

RECONVENING OF HOUSE

The House was called to order by Speaker Walker. Representative Robertson (Cullman), Chairman of the Committee of the Whole, reported progress and asked for further time, which was granted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in the resolution:

H. J. R. 25. Relative to authorizing the Secretary of State to furnish to the Library of Congress for the division of documents, eight copies of the general and local laws for the 1935 session, as well as each succeeding session, and eight sets of the House and Senate Journals of the 1935 session and each succeeding session, and that the Secretary of State be credited with the copies so furnished.

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following bills and ordered same sent forthwith to the House without engrossment:

By Mr. Kuykendall:

S. 83. To authorize and require the County Board of Education of Walker County, Alabama, to take over and assume the indebtedness of the Town of Cordova, evidenced by outstanding warrants or bonds issued by the Town of Cordova prior to September 20, 1927, which indebtedness was incurred and created in the erection of the Bankhead High School Building, a public school building in said town.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that a bill will be introduced at the Special Session of the Legislature of 1936, in substance as follows:

A BILL
TO BE ENTITLED
AN ACT

To authorize and require the County Board of Education of Walker County, Alabama, to take over and assume the indebtedness of the Town of Cordova, evidenced by outstanding warrants or bonds issued by the Town of Cordova prior to September 30, 1927, which indebtedness was incurred and created in the erection of the Bankhead High School Building, a public school in said town.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the County Board of Education of Walker County is hereby authorized and required to take over and assume the outstanding indebtedness of the Town of Cordova in Walker County, Alabama, evidenced by outstanding warrants or bonds of said town, issued prior to September 30, 1927, which indebtedness was incurred and created in the erection of the Bankhead High School Building, a public school building in said town, and to pay and discharge such indebtedness.

Section 2. That the County Board of Education of Walker County, Alabama, in the retirement or discharge of the obligation hereby required to be assumed shall be entitled to the benefits and receive aid under the terms of Act No. 370, House Bill No. 350, approved July 8, 1931, entitled "An Act to further regulate and provide for the erection, repair and equipment of rural school houses in Alabama and to provide for the payment of debts incurred by the County Board of Education in the erection, repair and equipment of rural school houses out of the Rural School House Fund as now authorized by Law."

Section 3. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Section 4. That this Act shall take effect upon its passage.

W. S. SPARKS.

STATE OF ALABAMA }
COUNTY OF WALKER }

Before me, the undersigned authority in and for said State and county, this day personally appeared R. W. Boteler, Assistant Manager of The Mountain Eagle, a newspaper published in Jasper, Walker County, Alabama, which has a general circulation in the County in which it was published, which newspaper has been mailed under the second class mailing privileges for fifty-two weeks prior to the publication of the Attached notice, who, being by me duly sworn, says that the legal notice, a copy of which is hereto attached, was published in the said Mountain Eagle for four consecutive weeks, namely:

February 6, 13, 20 & 27, 1936.

THE MOUNTAIN EAGLE,
By R. W. BOTELER,
Assistant Manager.

Sworn to and subscribed before me this 27th day of February, 1936.

MRS. ANNIE DAVIS,
Notary Public.

(Seal)

Also:

By Mr. Woodall:

S. 92. To allow the sheriff of Elmore County an additional deputy; to provide for his appointment, qualification by giving

bond, to hold office at the pleasure of said sheriff, to fix his compensation and provide for payment thereof out of the general fund of the county; and to provide for appointment of a successor where such deputy is removed, dies or resigns.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that when the legislature of Alabama convenes, in special or regular session, application will be made for the passage of a certain act, in substance as follows:

AN ACT

To allow the sheriff of Elmore County an additional deputy, to provide for his appointment, qualification by giving bond, to hold office at the pleasure of said sheriff, to fix his compensation and provide for payment thereof out of the general fund of the county; and to provide for appointment of a successor where such deputy is removed, dies or resigns.

Be it enacted by the Legislature of Alabama:

Sec. 1. That the sheriff of Elmore County is hereby allowed an additional deputy sheriff, to be appointed by said sheriff and to hold office at the pleasure of the sheriff, who shall terminate said appointment for any cause sufficient in the discretion of the sheriff; provided that when any such deputy is removed, dies or resigns, the sheriff may appoint a successor who shall hold office and be subject likewise to all the provisions of this act.

Sec. 2. The compensation of said deputy is hereby fixed at One Hundred Dollars per month, payable out of the general fund of the county, upon presentation of claim for such compensation, monthly, to the court of county commissioners of said county; provided that payment shall be at the discretion of the said court.

Sec. 3. Before entering upon the duties of his office said deputy shall execute a bond, conditioned and approved as required by law for bonds required of sheriffs, in the sum of \$1,000.00, payable to the State of Alabama, and recorded and filed in the probate office of said county.

Sec. 4. If any section or provision hereof is invalid it shall not effect the valid provisions of this act.

Sec. 5. This act shall be effective upon its passage and approval.

THE STATE OF ALABAMA, }
ELMORE COUNTY. }

Before me the undersigned authority personally appeared W. W. Bateman, who by me first being duly sworn deposes and says that he is the Publisher of The Wetumpka Herald, a weekly newspaper published at Wetumpka, in Elmore County, Alabama, and that the attached notice An Act to allow Sheriff of Elmore County an additional deputy was published in said newspaper for 4 successive weeks on to-wit: Jan. 2, 9, 16, and 23, 1936.

W. W. BATEMAN,

Publisher, The Wetumpka Herald.

Sworn to and subscribed before me this the 10th day of Feb., 1936.

R. L. PARKER,

Notary Public.

Also:

By Mr. Tucker:

S. 95. To authorize and empower any municipal corporation located in Tuscaloosa County, Alabama, to use for general purposes all or any part of the funds derived by it under the provisions of an Act of the Legislature of Alabama, approved September 9th, 1935, entitled "An Act to authorize the Board of Revenue of Tuscaloosa County, Alabama, to levy and collect a privilege tax on all persons, Corporations, Co-Partnerships, Companies, Agencies, Associations and Refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naptha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil," "fuel oil", or "crude oil", commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; To authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; To make provision for the distribution of the funds derived from said privilege tax; To prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis; To repeal the municipal privilege, excise and/or license taxes on gasoline, Woco-Pep, or any other Motor fuel used by self propelled vehicles which may now be collected or levied by any incorporated city or town in said County; To provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; To repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective."

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that there will be introduced at the Special Session of the Legislature of Alabama, to be convened on February 11, 1936, a bill in substance as follows:

A BILL
TO BE ENTITLED
AN ACT

To authorize and empower any municipal corporation located in Tuscaloosa County, Alabama, to use for general purposes all or any part of the funds derived by it under the provisions of an Act of the Legislature of Alabama, approved September 9th, 1935, entitled "An Act to authorize the Board of Revenue of Tuscaloosa County, Alabama, to levy and collect a privilege tax on all persons, Corporations, Co-partnerships, Companies,

Agencies, Associations and Refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naptha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil," "fuel oil" or "crude oil" commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; To authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; To make provision for the distribution of the funds derived from said privilege tax; to prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis; To repeal the municipal privilege excise and—license taxes on gasoline, Woco-Pep, or any other Motor Fuel used by self propelled vehicles which may now be collected or levied by any incorporated city or town in said County; To provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; To repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective."

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That any municipal corporation located in Tuscaloosa County, Alabama, be and hereby is, authorized and empowered to use for general purposes all or any part of the funds derived by it under the provisions of the Act of the Legislature of Alabama, approved September 9th, 1935, entitled "An Act to authorize the Board of Revenue of Tuscaloosa County, Alabama, to levy and collect a privilege tax on all persons, Corporation, Co-partnerships, Companies, Agencies, Associations and Refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naptha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil," "fuel oil" or "crude oil," commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; To authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; to make provision for the distribution of the funds derived from said privilege tax; To prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis; to repeal the municipal privilege, excise and—license taxes on gasoline, Woco-Pep or any other motor fuel used by self propelled vehicles which may now be collected or levied by any incorporated city or town in said County; To provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; To repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective."

Section 2. This Act shall take effect upon its passage and approval by the Governor.

AUBREY DOMINICK
J. C. AUSTIN
HAYSE TUCKER

STATE OF ALABAMA }
TUSCALOOSA COUNTY }

Before me, S. H. Sprott, a Notary Public in and for said State and County, personally appeared Bruce Shelton, who being by me duly sworn, deposes and says:

That The Tuscaloosa News is a newspaper published in the City of Tuscaloosa, Tuscaloosa County, Alabama, and of general circulation in said City and County; that he, the said Bruce Shelton, is the publisher of said newspaper; that the publication of a certain notice, of which the foregoing is a true and exact copy, was duly published in said newspaper for four consecutive weeks appearing in regular issues of said news paper on the 10th, 17th, and 24th days of February, 1936, and on March 2nd, 1936; that said publication was without expense to the State of Alabama.

BRUCE SHELTON.

Sworn to and subscribed before me this 9th day of March, 1936.

S. H. SPROTT,
Notary Public.

Also:

By Mr. Tucker:

S. 96. To authorize and empower the Board of Revenue of Tuscaloosa County, Alabama, to use a portion, or so much thereof as may be necessary, of the funds which are to be paid to Tuscaloosa County, Alabama, under the provisions of Article 13, Chapter IV, of the Act of the Legislature of Alabama approved July 10, 1935, entitled "An Act to Provide for the General Revenue of the State of Alabama," for the purpose of paying interest on, and establishing a sinking fund for the retirement of, any bonds of Tuscaloosa County, Alabama, which have been sold, or which may hereafter be sold, to provide funds for paving or aiding in the paving of any public roads in Tuscaloosa County which are, or which hereafter may be, designated as State Aid Roads by the State Highway Commission of Alabama, and which State Highway Commission with State funds or State and Federal Aid funds has improved and has let contracts for paving and has paved, or which it may hereafter improve and let contracts for paving, and that all laws and parts of laws in conflict with the provisions of this Act be repealed insofar as they apply to Tuscaloosa County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that at the special session of the Legislature of Alabama, called for February 11, 1936, or any recess session thereof, an application will be made for the passage of a local bill in substance as follows:

AN ACT

To authorize and empower the Board of Revenue of Tuscaloosa County, Alabama, to use a portion, or so much thereof as may be necessary, of the funds which are to be paid to Tuscaloosa County, Alabama, under the provisions of Article 13, Chapter IV, of the Act of the Legislature of Alabama

approved July 10, 1935, entitled "An Act to Provide for the General Revenue of the State of Alabama," for the purpose of paying interest on, and establishing a sinking fund for the retirement of, any bonds of Tuscaloosa County, Alabama, which have been sold, or which may hereafter be sold, to provide funds for paving or aiding in the paving of any public roads in Tuscaloosa County which are, or which hereafter may be, designated as State Aid Roads by the State Highway Commission of Alabama, and which State Highway Commission with State funds or State and Federal Aid funds has improved and has let contracts for paving and has paved, or which it may hereafter improve and let contracts for paving, and that all laws and parts of laws in conflict with the provisions of this Act be repealed insofar they apply to Tuscaloosa County, Alabama.

J. C. AUSTIN
AUBREY DOMINICK
HAYSE TUCKER

STATE OF ALABAMA }
TUSCALOOSA COUNTY }

I hereby certify that the attached notice was published in the Tuscaloosa News once a week for four consecutive weeks; viz, Feb. 11, 18, 25, and March 3, 1936.

BRUCE SHELTON,
Publisher.

Subscribed and sworn to before me on this the 3rd day of March, 1936.

LILLA COLLINS,
Notary Public.

(Seal)

Also:

By Mr. Tucker:

S. 97. To provide a fund for the support of a law library for the circuit court of Tuscaloosa County, Alabama, without appropriations from the State or county treasury, by the assessment and collection of court costs in all actions, suits, cases and proceedings hereafter field in or brought to the circuit court of Tuscaloosa County, Alabama, and to fix the custodian of said funds and to provide regulations for the purchase, custody and handling of said library.

With notice and proof thereto attached and herewith exhibited as follows:

PUBLISHER'S AFFIDAVIT

THE STATE OF ALABAMA }
COUNTY OF TUSCALOOSA }

Before me, Lilla Collins, a Notary Public in and for the aforesaid County and State, personally appeared Bruce Shelton, who being by me first duly sworn, deposes and says that he is Publisher of The Tuscaloosa News, a daily newspaper of general circulation in Tuscaloosa County, Alabama, published at Tuscaloosa in Tuscaloosa County, Alabama, and that the following notice of intention to introduce County Library Tax Bill and apply for enactment thereof at the Special Session of the Legislature of Alabama

convened on February 11, 1936, was published in The Tuscaloosa News for four successive weeks prior to this date, viz: in the issues bearing the following dates, February 11, 1936, February 18, 1936, February 25, 1936, and March 3, 1936, said notice so published being as follows:

Notice is hereby given that there will be introduced at the Special Session of the Legislature of Alabama, convened on February 11, 1936, a bill in substance as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide a fund for the support of a Law Library for the Circuit Court of Tuscaloosa County, Alabama, without appropriations from the State or County Treasury, by the assessment and collection of court costs in all actions, suits, cases and proceedings hereafter filed in or brought to the Circuit Court of Tuscaloosa County, Alabama, and to fix the custodian of said funds and to provide regulations for the purchase, custody and handling of said Library.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA, as follows:

SECTION 1: That in all civil, quasi civil, criminal, quasi criminal and equity actions, suits, cases and proceedings hereafter filed in or brought by appeal, certiorari or otherwise to the Circuit Court of Tuscaloosa County, Alabama, there shall be taxed as costs the sum of Two Dollars in each and every such action, case, suit and proceeding therein, to be collected as other costs are collected and to be paid to and disbursed by the Clerk of the Circuit Court of Tuscaloosa County, Alabama; provided that in cases appealed from Recorders Courts and in divorce cases where no alimony is awarded and in all civil and equity suits and proceedings where the amount of the moneyed judgment or decree including court costs, is for less than Two Hundred Dollars only One Dollar shall be collected, and provided further that no additional sum shall be collected in any ancillary proceedings resulting from prior procedure in said Court. The sums so collected shall be expended by the Circuit Court of Tuscaloosa County by orders of the Presiding Judge thereof, for maintaining a Law Library for such Circuit Court and shall be expended only in buying law books and library furniture for the Library of the Circuit Court of Tuscaloosa County, Alabama.

TUSCALOOSA BAR ASSOCIATION.

Bruce Shelton.

Sworn to and subscribed before me on this March 5, 1936.

Lilla Collins,

Notary Public in and for Tuscaloosa County, Alabama.

(Seal)

Also:

By Mr. Stoddard:

S. 99. For the relief of I. R. Reddoch, Judge of Probate of Crenshaw County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

THE STATE OF ALABAMA }
CRENSHAW COUNTY. }

To the Citizens of said County:

Notice is hereby given that, at the approaching special session of the Legislature of Alabama, I will introduce for passage and enactment into law, a Local Bill, the substance of which will be:—For the relief of I. R. Reddoch, as Judge of Probate of Crenshaw County, Alabama, to reimburse said I. R. Reddoch in the sum of \$146.65, said sum having been taken from the office of the Judge of Probate of said County by burglar on or about the 15th day of November, 1935, and which sum said I. R. Reddoch as Judge of Probate has paid to the State Treasurer from his private funds.

This 28th day of January 1936.

W. H. Stoddard,
Senator from the Twenty-fifth Senatorial District.

AFFIDAVIT
PROOF OF PUBLICATION

STATE OF ALABAMA }
CRENSHAW COUNTY. }

Before the undersigned Notary Public personally came J. M. McLendon, who being duly sworn says upon oath that he is Associate Publisher of a newspaper published at Luverne, Crenshaw County, Alabama, known as The Luverne Journals & News, and that the notice of publication, a true copy of which is hereto annexed, and being entitled: "Bill to Reimburse Judge I. R. Reddoch Sum of \$146.65" was published in said newspaper, once a week for four consecutive weeks, to-wit in the issues of said newspaper dated: January 29, 1936, February 5, 1936, February 12, 1936, February 19, 1936.

J. M. McLendon.
Sworn and subscribed to before me this 3rd day of March 1936.
J. W. Reynolds,
Clerk Circuit Court.

Also:

By Mr. Stoddard:

S. 100. To fix the open season for shooting doves in Crenshaw County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

STATE OF ALABAMA,
CRENSHAW COUNTY. }

To the Citizens of said County:

Notice is hereby given that, at the approaching special session of the Legislature of this State, I will introduce for passage and enactment into law, a Local Bill, the substance of which will be:—To amend the game law

of the State by making the open season of doves to begin on the 21st day of September and end on the 20th day of February of each year; said amendment to apply only to Crenshaw County.

This 28th day of January 1936.

W H. Stoddard,

Senator from the Twenty-fifth Senatorial District.

AFFIDAVIT

PROOF OF PUBLICATION

STATE OF ALABAMA, }
CRENSHAW COUNTY. }

Before the undersigned Notary Public personally came J. M. McLendon, who being duly sworn says upon oath that he is Associate Publisher of a newspaper published at Luverne, Crenshaw County, Alabama, known as The Luverne Journal & News, and that the notice of publication, a true copy of which is hereto annexed, and being entitled: "Bill to Amend Game Laws for Crenshaw County, Ala.", was published in said newspaper, once a week for four consecutive weeks, to-wit in the issues of said newspaper dated: January 29, 1936, February 5, 1936, February 12, 1936, February 19, 1936.

J. M. McLendon.

Sworn and subscribed to before me this 3rd day of March 1936.

J. W. Reynolds,
Clerk Circuit Court.

Also:

By Mr. Walden:

S. 103. To authorize the Board of Revenue of Houston County, Alabama, to levy and collect a privilege tax on all persons, corporations, copartnerships, companies, agencies, associations and refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naptha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil" "fuel oil" or "crude oil" commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; to authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; to make provisions for the distribution of the funds derived from said privilege tax; to prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis; to repeal the municipal privilege, excise and or license taxes on gasoline, Wo-co-Pep, or any other motor fuel, used by self propelled vehicles which may now be collected or levied by any incorporated city or town in said county; to provide for the use of the money de-

rived from said privilege tax, and to provide penalties for the violation of such rules and regulations; to repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that the following bill will be introduced at the Special Session of the Alabama Legislature convening in 1936.

A BILL
TO BE ENTITLED
AN ACT

To authorize the Board of Revenue of Houston County, Alabama, to levy and collect a privilege tax on all persons, corporations, copartnerships, companies, agencies, associations and refiners selling, delivering withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naptha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil" "fuel oil" or "crude oil" commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; to authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; to make provisions for the distribution of the funds derived from said privilege tax; to prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis; to repeal the municipal privilege, excise and or license taxes on gasoline Woco-Pep, or any other motor fuel, used by self propelled vehicles which may now be collected or levied by any incorporated city or town in said county; to provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; to repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective.

Be it Enacted by the Legislature of Alabama:

Section 1. That the Board of Revenue of Houston County, Alabama may for the purpose of constructing and maintaining public roads, streets, bridges and ferries in Houston County, Alabama, levy and collect a privilege tax of not more than one cent per gallon on all gasoline, naptha, and other liquid motor fuels or any device or substitutes therefor, commonly used in internal combustion engines provided, however, that nothing contained herein shall be held to apply to those products known commercially as "kerosene oil," "fuel oil," or "crude oil," commonly used for lighting, heating or industrial purposes, sold or delivered in said County, for the privileges of selling or delivering same.

Section 2. That said Board of Revenue may also provide rules and regulations and machinery for the collection of such privilege tax, and provide penalties for the violation of such rules and regulations.

Section 3. All of the net proceeds of said privilege tax collected within the corporate limits of any incorporated city or town in Houston County, Alabama, shall be paid over to such incorporated city or town each month as collected.

Section 4. After the passage and approval of this Act, it shall be unlawful for any incorporated city or town in said Houston County, Alabama, to levy or collect a privilege license or excise tax on said motor fuels, or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis. All municipal privilege, excise and or license taxes on gasoline, Woco-Pep, or any other motor fuel used by self propelled vehicles now being levied or collected by any incorporated city or town in said county are hereby expressly repealed.

Section 5. That all such privilege taxes to be levied or imposed under this Act, and the money derived therefrom shall be used exclusively for the purpose of constructing and maintaining public roads, streets, bridges and ferries in said County of Houston, and any incorporated city or town therein.

Section 6. This Act shall take effect on the first of the month next succeeding its passage and approval.

Dave A. Walden.

PUBLISHER'S AFFIDAVIT

STATE OF ALABAMA, }
HOUSTON COUNTY. }

Personally appeared before the undersigned, a Notary Public in and for said county and state L. S. Deal Editor Manager of the Houston Herald, a newspaper published at Dothan, in Houston County, Alabama, who deposes and says on oath that a copy of the attached advertisement appeared once a week for four consecutive weeks on the following dates February 13-20-27 and March 5, 1936 in The Houston Herald.

(Signed) L. S. Deal,

Editor-Manager The Houston Herald.

Sworn to and subscribed before me this the 9th day of March, 1936.

Maude Baughm,

Notary Public.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

Local Legislation No. One—S. 83, S. 92, S. 95, S. 96, S. 97, S. 99, S. 100, S. 103.

RECOMMITTAL OF BILLS

On motion of Mr. Taylor the bill:

H. 142. To fix the qualification of Circuit Judges, Courts of Record and of Judges of Inferior Courts within this State, which have been created by law, and whose jurisdiction in Civil and Criminal cases is countywide.

Was recommitted to the Standing Committee on Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 51. To repeal an Act entitled, "To provide for the payment in Pickens County, Alabama, of a license or privilege tax on gasoline and other motor fuel and to provide for the collection thereof and penalties for violation thereof".

Also:

H. 151. To allow the Sheriff of DEKALB COUNTY, Alabama, an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of DeKalb County in monthly installments.

Also:

H. 183. To authorize the Board of Revenue, County Commissioners or other like County authorities in counties having a population of not less than 75,000 nor more than 110,000 according to the last Federal Census, or any future Federal Census; to purchase and maintain a suitable automobile or automobile truck for the use of the Humane Officer of such county at the cost of said county.

Also:

H. 185. To provide that in all counties in the State of Alabama, having now or hereafter a population of not less than 110,000 nor more than 200,000, according to the last or any subsequent Federal census, that the Board of Health of such counties by whatever name called, shall make a monthly report of all deaths of residents of such county to the Board of Registrars of such county.

Also:

H. 205. To require the Court of County Commissioners or Board of Finance and Control of Cullman County, Alabama, or other like governing body of said county to pay for the publishing of the notices of each and every local bill, for or which applies alone to the said County of Cullman, which is hereafter introduced at present session or any subsequent session of the Legislature of Alabama, when said bill is passed and becomes a law; and providing payment of the same out of money in the general fund of said county not otherwise appropriated, and providing the method of filing such claim.

Also:

H. 117. To amend Section 2 of an Act "To provide that all cities in Alabama which now have or may hereafter have a population of as much as twenty-four thousand and less than forty

thousand according to the last Federal Census, or any such census which may hereafter be taken, shall be known and designated as Class 'D' cities; to provide and create a Commission form of municipal government and to establish the same in all Class 'D' cities of Alabama as herein defined; to abolish the offices of Mayor and Aldermen and otherwise provide for the creation and maintenance of said commission form of government; to provide for the selection and election of a chairman and two associate commissioners in lieu of mayor and aldermen; to prescribe limitations and qualifications for officers and employees and penalties for violation of the provisions of this Act. To Fix the Duties, powers and Compensation of the Board of Commissioners,—“approved March 6, 1931.

Also:

H. 197. To authorize the City of Auburn, through its duly constituted officers and when approved by the City Council, to sell and dispose of any or all of the following described property lying in said City in Lee County, Alabama, A piece or parcel of land fronting 100 feet on Tichnor Avenue and extending back of uniform width for a distance of 160 feet, the western boundary of said land, being 156.5 feet east of the eastern line of College Street, in the City of Auburn, and to ratify and confirm any sales of parts thereof which may have heretofore been made by said City.

Also:

H. 231. To require the Commissioners Court, or like governing Body of Pickens County, Alabama, to approve and Pay for Advertising The Notice and Substance of local bills to be introduced in the legislature for said county, when due proof has been made of the correctness of the charges for advertising as other claims against the county are. This act shall apply to and include the notice and substance of bills advertised prior to and during the present session of the legislature. This Act shall apply to Local Bills only that have the approval of the Representative of Pickens County.

Also:

H. 232. To relieve all Persons in any Municipality, In Pickens County, Alabama, Of and from any and all legal obligation to work on the Streets, in any municipality of Pickens County, Ala., or to pay any money in Lieu of such Obligation. To prohibit the Levying or collecting of Street Tax, whether the same is now due or is hereafter to become due.

Also:

H. 233. To relieve all persons in Pickens County, Alabama, of any legal obligation to work on the public roads in said county,

or to pay any money in lieu of such obligation to work on the public roads in Pickens County, Alabama.

J. E. Speight,
Secretary.

ADJOURNMENT

On motion of Mr. Adams the House adjourned until Tuesday, March 17, 1936, at 10 o'clock A. M.

THIRTEENTH DAY

House of Representatives,
Tuesday, March 17, 1936,
Montgomery, Alabama.

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. Eugene Blachsleger, Rabi of Temple Beth Or, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House the following members answered to their names:

Yeas:

Messrs.:

Mr. Speaker

Adams

Almon

Arnold

Austin

Bateman

Blann

Boswell

Braswell

Bridges

Britton

Bulger

Burleson

Byars

Calhoun

Castleberry

Chichester

Connor

Cook

Cox

Davis

Delony

Denson

De Vane

Dominick

Doster

Douglass

Glover

Goodwyn

Goolsby

Haley

Hamner

Hanks

Hare

Harrison

Hendley

Henson

Hill

Hodges

Hollis

Johnston

Jones

Kelly

Kirby

Lee (Monroe)

Livingston

Long

Lusk

Matthews

Merrill

Miles

Miller

Moore

McDermott

McGowin

McPhaul

Norman (Lowndes)

O'Neal

Owen (Etowah)

Owens (Madison)

Parish (Henry)

Parish (Pike)

Petrey

Poole

Posey (Walker)

Propst

Quarles

Rayburn

Reeder

Reid

Reynolds

Robertson (Cullman)

Robinson (Lowndes)

Sanderson

Shaver

Shipman

Sightler	Steele	Todd	Wallace
Sparks (Barbour)	Street	Tolbert	Welch
Sparks (Walker)	Taylor	Tompkins	Whigham
Spence	Terry	Toomer	Williams
Staples		Waldrep	

—95

A quorum was present.

REPORT OF STANDING COMMITTEE ON REVISION OF JOURNAL

Mr. Speaker:

Your Standing Committee on the Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the House for the Twelfth Day and finds same correct.

R. L. Tolbert,
Vice-Chairman,

The report of the Standing Commtee on the Revision of the Journal was adopted and the Journal of the House for the Twelfth Legislative Day was approved.

INTRODUCTION OF BILLS

On a call of counties, bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Propst:

H. 297. To provide and authorize cities in the State of Alabama having a population of 20,000 or more to require by ordinance the inspection of automobiles and all other motor propelled vehicles and to authorize the erection, maintenance and operation of buildings for said inspection, to provide rules and regulations governing said inspections and to provide fees therefor and to provide penalties and liens for failure to comply with said ordinance.

Ways and Means.

By Mr. Braswell:

H. 298. To amend section 142 of an act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10th, 1935.

Ways and Means.

By Mr. Reeder:

H. 299. To amend Schedule 117 of Section 348 of Article 13, Chapter 3, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Ways and Means.

By Mr. Byars:

H. 300. To amend Section 246 of the Alabama School Code of 1927.

Education.

By Mr. Owens (Madison) (with notice and proof):

H. 301. For the relief of Thomas W. Jones, formerly Probate Judge of Madison County, Alabama.

Local Legislation No. One.

Notice and proof H. 301:

Notice is hereby given that application will be made to the Legislature of Alabama at its present session for the passage of a local Act, in substance as follows:

AN ACT

For the relief of Thomas W. Jones, formerly Probate Judge of Madison County, Alabama.

WHEREAS, by an Act of the Legislature of Alabama, approved February 17, 1885, (General Acts 1884-85, pages 591-5), fees and compensation for Judges of Probate for Madison County were fixed and specified;

AND WHEREAS, thereafter Article 24 of the Constitution of Alabama was amended and the amendment duly ratified on the 18th day of July, 1933, and proclaimed by the Governor on August 2, 1933;

AND WHEREAS, by the terms of said constitutional amendment and of an Act of the Legislature of Alabama approved September 9, 1935, the maximum salary, fees, compensation, or amount due public officers, including Judges of Probate, were fixed and limited, and such officers are required by said constitutional amendment and statute to pay over to the County all sums received by them in excess of the maximum permitted to be received, and the reasonable expenses of conducting the office;

AND WHEREAS, Thomas W. Jones, formerly Probate Judge of Madison County, during that portion of his term from September 1, 1933, collected and received fees, commissions and compensation for the services specified in said Act of the Legislature of Alabama, approved February 17, 1885, in accordance with the schedule of fees and compensation as provided in said Act, and in amounts less than is provided by General Law of Alabama:

NOW, THEREFORE, BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the collection of fees and compensation, by the said Thomas W. Jones, as Probate Judge of Madison County, for services rendered by him as such Probate Judge, during said period from September 1, 1933 to the end of his term of office in accordance with the provisions of said Act of the Legislature of Alabama, approved February 17, 1885, be and the same is hereby ratified and validated, and the said Thomas W. Jones, is hereby released and discharged from any and all liability to Madison County on account of having collected and received fees and compensation in accordance with the provisions of the aforesaid Act, approved February 17, 1885, instead of in accordance with the schedule of fees and compensation

for Probate Judges, as set out in the general laws of Alabama, and is hereby relieved from the duty of accounting to Madison County for the difference in specific items of fees for services set out in the said Act approved February 17, 1885, and fees for such services provided by the General Laws of Alabama for Probate Judges.

Section 2. This Act shall go into effect immediately upon its approval by the Governor. 2-13-20-27 3-5

STATE OF ALABAMA, }
MADISON COUNTY }

Before me, W. P. Nicholson, a notary public in and for said state and county this day personally appeared Jack Langhorne, business manager of The Huntsville Times, a newspaper of general circulation published in Huntsville, Madison County, Alabama; that the attached notice of local bill to be introduced for passage in the Legislature of Alabama was published in said newspaper once a week for four consecutive weeks, on February 13, 1936, February 20, 1936, February 27, 1936, and March 5, 1936.

Jack Langhorne,
Business Manager.

Sworn to and subscribed before me this the 7th day of March, 1936.

W. P. Nicholson,
Notary Public.

By Mr. Sanderson:

H. 302. To amend an Act entitled an Act, To fix the salary of the Judge of Probate in all counties in this State which may hereafter have a population of seventy-five thousand people and less than one hundred thousand people according to the last Federal census or any such census which may hereafter be taken and to regulate the payment of same; to provide for the selection of clerical help and other assistance to said Judges of Probate and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such Judge of Probate, and to provide for an election clerk to be appointed by said Judges of Probate, who shall also be ex-officio clerk of the Board of Registrars in said counties, define his duties and fix his compensation; and to require all of said Judges of Probate to pay into the County Treasury of said counties all costs, charges and courts, fees and commissions authorized by law to be collected by said Judges of Probate as other moneys belonging to said counties are paid.

Local Legislation No. One.

By Messrs. Almon and Burleson (with notice and proof):

H. 303. To provide for the transfer of all cases pending on the docket of the Inferior Court in Precinct No. 10, Morgan County, Alabama, prior to June 15, 1935, to the Justice Courts in and for Precinct 10 of Morgan County, Alabama; and to further provide for the issuance of writs of execution, writs of vendition ex-

ponas and other processes on judgments rendered by the Inferior Court in Precinct No. 10, Morgan County, Alabama, June 15, 1935.
Local Legislation No. One.

Notice and proof H. 303:

Notice is hereby given that at the present extra session of the Legislature of Alabama the following local bill will be introduced:

AN ACT

An act to provide for the transfer of all cases pending on the docket of the Inferior Court in Precinct No. 10, Morgan County, Alabama, prior to June 15, 1935, to the Justice Courts in and for Precinct 10 of Morgan County, Alabama; and to further provide for the issuance of writs of execution, alias writs of execution, writs of venditioni exponas and other processes on judgments rendered by the Inferior Court in Precinct No. 10, Morgan County, Alabama, June 15, 1935.

Be it enacted by the Legislature of Alabama:

Section 1. That all cases pending on the docket of the Inferior Court in Precinct No. 10, Morgan County, Alabama, prior to June 15, 1935, be, and the same are hereby transferred to the docket of any Justice Court or to the docket of any Notary Public with power of a Justice of the Peace in said Precinct No. 10, Morgan County, Alabama, at the election of the plaintiff, who shall manifest his election by filing a written statement of his intention to transfer the pending cause to the docket of the said court which he elects.

Section 2. That upon the filing by the plaintiff of the aforesaid written statement of his intention to transfer said pending cause from the docket of the Inferior Court in Precinct No. 10, in Morgan County, Alabama, to the court in which said written statement is filed, the Justice of the Peace or the Notary Public, with power of a Justice of the Peace, shall enter said cause upon the docket of his court and proceed to try said cause as if it had been filed originally in his court.

Section 3. That any Justice of the Peace or Notary Public with powers of a Justice of the Peace in Precinct No. 10 in Morgan County, Alabama, may issue writs of execution, alias writs of execution, writs of venditioni exponas and other processes on judgments rendered by the Inferior Court in Precinct No. 10, Morgan County, Alabama, prior to June 15, 1935.

Section 4. That all laws and parts of laws in conflict with this act be, and the same are hereby repealed.

Section 5. That this act shall become effective immediately upon its approval by the Governor.

30 4t

F. E. Burleson,
T. C. Almon.

STATE OF ALABAMA, }
MORGAN COUNTY. }

Before me, the undersigned authority, personally appeared D. K. Wiggins, who being first duly sworn, deposes and says:

That he is the editor and publisher of the Hartselle Enquirer, a weekly newspaper published at Hartselle, in Morgan County, Alabama, and of general circulation in said county; that the attached notice was published 4 consecutive times in said Hartselle Enquirer, beginning with the issue of Feb. 20-27, March 5-12, 1936.

D. K. Wiggins,
Publisher Enquirer.

Subscribed and sworn to before me, this 12th day of March, 1936.

T. B. Glasscock,
Notary Public.

By Messrs. Almon and Burleson (with notice and proof) :

H. 304. To relieve all persons in Morgan County, Alabama, of any legal obligation to work on the public roads in said county, or to pay any money in lieu of such obligation, to work on the public roads in Morgan County, Alabama.

Local Legislation No. One.

Notice and proof H. 304:

Notice is hereby given that at the present extra session of the Legislature of Alabama the following local bill will be introduced:

AN ACT

To relieve all persons in Morgan County, Alabama, of any legal obligation to work on the public roads in said county, or to pay any money in lieu of such obligation, to work on the public roads in Morgan County, Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That all persons in Morgan County, Alabama, shall be relieved of any legal obligation to work on the public roads in said county, or to pay any money in lieu of such legal obligation to work on the public roads in Morgan County, Alabama.

Section 2. That all laws, both general and local, in conflict with the provisions of this act, be and the same are hereby repealed.

Section 3. That this act shall take effect upon its approval by the Governor.

30 4t

T. C. Almon,
F. E. Burleson.

STATE OF ALABAMA, }
MORGAN COUNTY. }

Before me, the undersigned authority, personally appeared D. K. Wiggins, who being first duly sworn, deposes and says:

That he is the editor and publisher of the Hartselle Enquirer, a weekly newspaper published at Hartselle, in Morgan County, Alabama, and of general circulation in said county; that the attached notice was published 4 consecutive times in said Hartselle Enquirer, beginning with the issue of Feb. 20-27, March 5-12, 1936.

D. K. Wiggins,
Publisher Enquirer.

Subscribed and sworn to before me, this 12th day of March, 1936.

(Seal)

Ruby L. Martin,
Notary Public.

By Mr. Miller:

H. 305. To amend Schedule 23 of Section 348, Chapter 1 of Article XIII of an Act "To provide for the general revenue of the State of Alabama", approved July 10, 1935.

Ways and Means.

By Mr. Welch:

H. 306. To amend Section 31 of an Act entitled "An Act to authorize any county, city or incorporated town of the State of Alabama, subject to the limitations herein stated, to purchase or construct a waterworks system, water supply system, sewer system, sanitary disposal equipment and appliances, or gas system, and in furtherance thereof to purchase or construct any necessary part of any such system either within or without the limits of such county, city or incorporated town, as the case may be; and to authorize any county, city or incorporated town of the State of Alabama now or hereafter owning and operating any such system to improve, enlarge, extend or repair the same; and for any such purpose or purposes to authorize any such county, city or incorporated town to issue revenue bonds payable solely from the revenues derived from the operation of any such system or systems; to regulate the issuance, sale, retirement, and refunding of such bonds and of other matters in connection therewith; to regulate the use of the revenues of such system or systems when such bonds are issued or outstanding; to provide for the operation of any such system or systems in case of deficiencies in such revenues; to confer upon the State Board of Health certain powers with reference to any such sewer system; and for other purposes", approved March 29, 1933, as amended, so as to permit the redemption of bonds with or without a premium, and so as to delete a portion of said section.

Judiciary.

By Mr. Adams (by request):

H. 307. A Bill to be entitled An Act to provide for and submit to the qualified electors of the State of Alabama at an election to be held at the next general election after the final adjournment of the present session of the Legislature at which this amendment is proposed, An Amendment to the Constitution of Alabama authorizing each of the Three School Districts in Jefferson County known, respectively, as Shades Cahaba District No. 1, Jefferson District No. 2, and the School District composed of the City of Tarrant City, to Levy and Collect for Public School Purposes a Special District Tax not exceeding Thirty Cents annually on each One Hundred Dollars' worth of Taxable Property in such Districts, respectively, in addition to all other Taxes now authorized by Law, when authorized by a Majority of the Qualified Electors of such School District voting at an Election called for that Purpose; to Order an Election by the qualified Electors of the State upon such Proposed Amendment; and to Provide for the holding of Elections to Authorize the Levy and Collection of such Taxes, and to Provide for the Levy and Collection of such Taxes.

Be it enacted by the Legislature of Alabama:

Section 1. That the following Amendment to the Constitution of Alabama is hereby proposed and an election by the qualified electors of the State upon said proposed Amendment is hereby ordered to be held at the next general election after the final adjournment of the present session of the Legislature at which this Amendment is proposed, which proposed Amendment is as follows:

"(1) The School District in Jefferson County known as Shades Cahaba District No. 1, the School District in Jefferson County known as Jefferson District No. 2, and the School District in Jefferson County composed of the City of Tarrant City, shall each have the right and power to levy and collect for Public School purposes a Special District Tax not exceeding Thirty Cents annually on each One Hundred Dollars' worth of taxable property in such District; provided that the question of whether or not such Tax shall be levied, the rate of such Tax and the time it is to continue shall have been first submitted to the vote of the qualified electors of the District proposing to levy the same and voted for by a majority of those voting at such election. (2) The funds arising from such Special District Tax levied in any of said three Districts which votes the same shall be used only for Public School purposes and shall be expended for the exclusive benefit of the Schools of the District in which levied. (3) Each election held under the provisions hereof shall be proposed, called, held, and the vote canvassed and the results declared, and the tax levied and collected, in the same manner as may now or hereafter be provided by law for proposing, calling and holding an election to authorize the levy and collection of the Special School District taxes authorized by Section 2 of the Third Amendment to the Constitution of Alabama, canvassing the vote at such election, declaring the result thereof, and levying and collecting such tax. (4) The tax hereby authorized shall be in addition to any and all other taxes now authorized by law, and its collection shall in no manner affect the right of the Districts in which it shall be levied to share in the school monies heretofore available for such Districts, nor shall any reduction in such shares be made by reason of the tax hereby authorized. (5) This Amendment shall be self-operative without any additional legislation."

Section 2. That it shall be the duty of the Governor to give notice of the election hereby ordered to be held upon said proposed Amendment, together with the proposed Amendment, by proclamation which shall be published in one newspaper in each County in the State for at least four (4) successive weeks next preceding the day appointed for such election.

Section 3. That at the election hereby ordered to be held by the qualified electors of the State upon said proposed Amendment, the qualified electors of the State shall vote on said proposed amendment and on the official ballots printed for such election, there shall be printed the following, viz:

"Shall the following be adopted as an Amendment to the Constitution of Alabama?"

"(1) The School District in Jefferson County known as Shades Cahaba District No. 1, the School District in Jefferson County known as Jefferson District No. 2, and the School District in Jefferson County composed of the City of Tarrant City, shall each have the right and power to collect for Public School purposes a Special District Tax not exceeding Thirty Cents annually on each One Hundred Dollars' worth of taxable property in such District; provided that the question of whether or not such Tax shall be levied, the rate of such Tax and the time it is to continue shall have been first submitted to the vote of the qualified electors of the District proposing to levy the same and voted for by a majority of those voting at such election. (2) The funds arising from such Special District Tax levied in any of said Three Districts which votes the same shall be used only for Public School purposes and shall be expended for the exclusive benefit of the Schools of the District in which levied. (3) Each election held under the provisions hereof shall be proposed, called, held, and the vote canvassed and the results declared, and the tax levied and collected, in the same manner as may now or hereafter be provided by law for proposing, calling and holding an election to authorize the levy and collection of the Special School District taxes authorized by Section 2 of the Third Amendment to the Constitution of Alabama, canvassing the vote at such election, declaring the result thereof, and levying and collecting such tax. (4) The tax hereby authorized shall be in addition to any and all other taxes now authorized by law, and its collection shall in no manner affect the right of the Districts in which it shall be levied to share in the school monies heretofore available for such Districts, nor shall any reduction in such shares be made by reason of the tax hereby authorized. (5) This Amendment shall be self-operative without any additional legislation."

"Yes _____

"No _____"

The choice of the elector shall be indicated by a "X" mark made by him or under his direction opposite the word expressing his desire.

Section 4. The officers to hold such election shall be the same and shall be appointed in the same manner and by the same of-

ficials as provided by the election laws of the State for the appointment of officers to hold general elections in the State, and the election shall be held in all things in accordance with this Act, the law governing general elections and the constitutional provisions concerning Amendments to the constitution.

Section 5. The votes cast at said election shall be canvassed, tabulated and returns thereof be made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed Amendment voted in favor of the same, such Amendment shall be valid to all intents and purposes as a part of the constitution of Alabama. The result of such election shall be made known by Proclamation of the Governor.

Section 6. The expenses of the election hereby ordered upon said proposed Amendment and the costs of the publication of the notices shall be paid out of the State Treasury in the same manner as the expenses of other elections are paid.

The above and foregoing bill, H. 307, proposing an amendment to the Constitution, was read one time at length and referred to the Standing Committee on Constitution and Constitutional Amendments.

By Mr. Owen (Etowah):

H. 308. A Bill to be entitled An Act to provide for and submit to the qualified electors of the State of Alabama at an election to be held at the next General Election after the final adjournment of the present session of the Legislature at which this amendment is proposed, An Amendment to the Constitution of Alabama whereby the following independent school districts: Andalusia, Attalla, Demopolis, Jasper, Opp, Sylacauga, and Tarrant City, as now or hereafter constituted, in the State of Alabama may levy and collect a Special District Tax not exceeding 30 cents on each One hundred dollars worth of taxable property in such district, in addition to that now authorized or that may hereafter be authorized, for public school purposes, and in addition to that now authorized under Section 260 of Article XIV and Section 2 of Article XIX of the Constitution, provided that the rate of such tax, the period it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of such School District and voted for by a majority of those voting at such election; provided further that the said district tax shall not be voted or collected in said districts unless and until the County in which said independent School District is located is levying and collecting not less than a 3-Mill County-wide Special School Tax.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of the State of Alabama for their consideration and actions at an election to be held at the next General Election after the final adjournment of the present session of the Legislature at which this amendment is proposed, to-wit: That the following independent school districts: Andalusia, Attalla, Demopolis, Jasper, Opp, Sylacauga, and Tarrant City in the State of Alabama shall have the power and the right to levy and collect a Special District Tax not exceeding 30 cents on each one hundred dollars worth of taxable property in such district, in addition to that now authorized or that may hereafter be authorized for public school purposes; and in addition to that now authorized under Section 2 of Article XIX of the Constitution and Section 260, XIV of the Constitution, provided that the rate of such tax, the period it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of such School District and voted for by a majority of those voting in such election; provided further that the said District Tax shall not be voted or collected in said Districts unless and until the County in which said school district is located is levying and collecting not less than a 3-Mill County-wide School Tax for the period for which the district levy is proposed.

Upon the request of the Board of Education of the cities of Andalusia, Attalla, Demopolis, Jasper, Opp, Sylacauga, and Tarrant City, respectively, to the Court of County Commissioners or other governing body of the county in which said city is located, said Court shall order an election to be held at the time requested by said Board of Education to determine whether or not said Special tax shall be levied for public school purposes within said School Districts; said election to be held and returns made and result declared as provided in Article XIII of the School Code of 1927, or other method provided by general law for holding elections for levying school district taxes.

This Amendment shall be self executing and no Act of the Legislature shall be required to put the same in force.

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in the State at least four consecutive weeks next preceding the said election on the Amendment proposed by this Act to be submitted to the qualified electors of the State for their consideration, together with the proposed Amendment.

Section 3. That at the said election on the Amendment proposed by this Act to be submitted to the qualified electors of the State for their consideration, to be held as herein provided for, the

qualified electors shall vote upon said Amendment and on the official ballots printed for such election there shall be printed the following, viz: "Shall the following be adopted as an Amendment to the Constitution of Alabama: The following independent School Districts: Andalusia, Attalla, Demopolis, Jasper, Opp, Sylacauga, and Tarrant City in the State of Alabama shall have the power and right to levy and collect annually a Special District Tax not exceeding 30 cents on each one hundred dollars worth of taxable property in such district, in addition to that now authorized or that may hereafter be authorized, for public school purposes; and in addition to that now authorized under Section 2 of Article XIX of the Constitution and Section 260, Article XIV of the Constitution, provided that the rate of such tax, the period it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of such School District and voted for by a majority of those voting in such election; provided further that the said District tax shall not be voted or collected in said Districts unless and until the County in which said school district is located is levying and collecting not less than a 3-Mill County-wide School Tax for the period for which the district levy is proposed.

Upon the request of the Board of Education of the cities of Andalusia, Attalla, Demopolis, Jasper, Opp, Sylacauga, and Tarrant City, respectively, to the Court of County Commissioners or other governing body of the county in which said city is located, said Court shall order an election to be held at the time requested by said Board of Education to determine whether or not said special tax shall be levied for public school purposes within said School District; said election to be held and returns made and result declared as provided in Article XIII of the School Code of 1927, or other method provided by general law for holding elections for levying school district taxes.

This Amendment shall be self executing and no Act of the Legislature shall be required to put the same in force.

-----Yes

-----No."

Section. 4. That the officers who hold such election shall be the same and shall be appointed in the same manner and by the same officials as provided by the general election laws of the State of Alabama for the appointment of officers and the holding of general elections in this State, and the election shall be held under and in all things governed by and had in accordance with the Constitutional provisions touching amendments to the Constitution of the State of Alabama.

Section 5. That the votes cast at said election shall be counted, canvassed, and tabulated and return made to the Secretary of

State in the same manner as in elections of representatives to the Legislature; and if it thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment, voted in favor of the same, such amendment shall become a part of the Constitution of Alabama, and shall be in all its intents and purposes valid as such part of the Constitution.

Section 6. The result of such election shall be made known by proclamation of the Governor.

Section 7. The expenses of the election herein provided for and the costs of the publication of the notices, shall be paid out of the State Treasury in the same manner that the expenses of general elections are paid.

The above and foregoing bill, H. 308, proposing an amendment to the Constitution, was read one time at length and referred to the Standing Committee on Constitution and Constitutional Amendments.

By Mr. Castleberry :

H. 309. To amend Section 353 of Article XIV, Chapter 1, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Ways and Means.

BILLS ON SECOND READING

Mr. Glover, Chairman of the Standing Committee on Local Legislation No. One, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. Stoddard (with notice and proof):

S. 99. For the relief of I. R. Reddoch, Judge of Probate of Crenshaw County, Alabama.

By Mr. Stoddard (with notice and proof):

S. 100. To fix the open season for shooting doves in Crenshaw County, Alabama.

By Mr. Tucker (with notice and proof):

S. 95. To authorize and empower any municipal corporation located in Tuscaloosa County, Alabama, to use for general purposes all or any part of the funds derived by it under the provisions of an Act of the Legislature of Alabama, approved September 9th, 1935, entitled "An Act to authorize the Board of Revenue of Tuscaloosa County, Alabama, to levy and collect a privilege tax on all persons, Corporations, Co-partnerships, Companies, Agencies,

Associations and Refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naptha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil", "fuel oil" or "crude oil", commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; To authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; To make Provision for the distribution of the funds derived from said Privilege tax; to prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis; To repeal the municipal privilege, excise and/or license taxes on gasoline, Woco-Pep, or any other Motor fuel used by self propelled vehicles which may now be collected or levied by any incorporated city or town in said County; To provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; To repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective."

By Mr. Tucker (with notice and proof):

S. 97. To provide a fund for the support of a law library for the Circuit Court of Tuscaloosa County, Alabama, without appropriations from the State or County Treasury, by the assessment and collection of court costs in all actions, suits, cases and proceedings hereafter filed in or brought to the Circuit Court of Tuscaloosa County, Alabama, and to fix the custodian of said funds and to provide regulations for the purchase, custody and handling of said library.

By Mr. Tucker (with notice and proof):

S. 96. To authorize and empower the Board of Revenue of Tuscaloosa County, Alabama, to use a portion, or so much thereof as may be necessary, of the funds which are to be paid to Tuscaloosa County, Alabama, under the provisions of Article 13, Chapter IV, of the Act of the Legislature of Alabama approved July 10, 1935, entitled "An Act to Provide for the General Revenue of the State of Alabama," for the purpose of paying interest on, and establishing a sinking fund for the retirement of, any bonds of Tuscaloosa County, Alabama, which may have been sold, or which may hereafter be sold, to provide funds for paving or aiding in the paving of any public roads in Tuscaloosa County which are, or which hereafter may be, designated as State Aid Roads by the State

Highway Commission of Alabama, and which State Highway Commission with State funds or State and Federal Aid funds has improved and has let contracts for paving and has paved, or which it may hereafter improve and let contracts for paving, and that all laws and parts of laws in conflict with the provisions of this Act be repealed insofar as they apply to Tuscaloosa County, Alabama.

By Mr. Rayburn (with notice and proof):

H. 290. To permit moving picture shows on Sunday, whether admission is charged therefor or not, in the City of Guntersville, Alabama, and within the police jurisdiction thereof.

By Mr. Rayburn (with notice and proof):

H. 296. To establish a Court of County Commissioners for Marshall County, Alabama, in lieu of the Board of Revenue as now provided by law for said County; to fix the number of members thereof, and to prescribe the districts of said Court, to provide for the appointment and election of the members of said Court, to fix their duties, powers, compensation and terms of office; to provide that the Judge of Probate of Marshall County, Alabama, shall be Ex-Officio Judge and Chairman of said Court; to fix his powers, duties and compensation, and provide for its payment and provide that all laws and parts of laws, both general and special, in conflict with the provisions of this Act be, and the same are hereby repealed, and to provide when said Act shall go into effect.

By Mr. Rayburn (with notice and proof):

H. 291. To alter the corporate limits of the City of Guntersville, Marshall County, Alabama, and to rearrange and define the boundaries thereof.

By Mr. Reid (with notice and proof):

H. 293. To Authorize and Empower the Board of Revenue of Shelby County, Alabama, to use so much of the funds derived from the excise tax on gasoline, or other liquid motor fuels, levied under the Act of the Legislature of Alabama, and entitled, "An Act to Provide for the General Revenue of the State of Alabama", and as further provided for in Article 8, Chapter 4, and by Schedule 156.1 of said Act, "imposing an excise tax on every distributor, refiner, retail dealer, or storer of gasoline, providing for the collection and payment of such tax and the distribution of the funds derived therefrom, and fixing the penalties for the violation of any provisions thereof", which is to be paid to Shelby County, Alabama, under the provision of Schedule 156.9, as provided for in Article 8, Chapter 4, of an Act of the Legislature of Alabama, approved July 10th, 1935, and entitled, "An Act to Provide for the General Revenue of the State of Alabama", being House Bill No.

324, for the purpose of paying the compensation of such members of the Board of Revenue of Shelby County, Alabama, while acting as road supervisors in said County for their respective districts, as now provided by law, and to authorize the County Treasurer of Shelby County, Alabama, to immediately upon the passage and approval of this Act to set aside a sufficient sum of said gas tax to be used for the payment of the compensation provided for in Section 1 of this Act.

By Mr. Kuykendall (with notice and proof):

S. 83. To authorize and require the County Board of Education of Walker County, Alabama, to take over and assume the indebtedness of the Town of Cordova, evidenced by outstanding warrants or bonds issued by the Town of Cordova prior to September 20, 1927, which indebtedness was incurred and created in the erection of the Bankhead High School Building, a public school building in said town.

By Mr. Rayburn (with notice and proof):

H. 292. To require 25% of the total funds received by Marshall County, Alabama, from the levy and collection by the State of Alabama of gasoline taxes, or taxes on other motor fuels, but not to exceed the sum of \$60,000.00 to be used for the purpose of establishing a sinking fund for the retirement, first, of the outstanding obligations and indebtedness chargeable against and due by Marshall County out of the road and bridge fund or gasoline tax fund of said County, and second after such retirement and balance of said sum as a sinking fund for the retirement of the principal of all bonds issued against the road and bridge fund of Marshall County, which bonds were issued for the purpose of constructing public roads and bridges in said County, requiring the County Treasurer or other like official or depository of said County to set aside said funds for said purposes, and authorizing the Commissioners Court of said County to purchase and retire before maturity said bonds or any portion thereof with said funds after having first discharged the other obligations against either of said funds, provided that on final payment and retirement of said obligations and of said bonds all funds received by said County from said gasoline taxes or taxes on other motor fuels shall be used as provided by the general laws of Alabama, and to provide the time when this Act shall take effect.

By Mr. Woodall (with notice and proof):

S. 92. To allow the sheriff of Elmore County an additional deputy; to provide for his appointment, qualification by giving bond, to hold office at the pleasure of said sheriff, to fix his com-

pensation and provide for payment thereof out of the general fund of the county; and to provide for appointment of a successor where such deputy is removed, dies or resigns.

The above and foregoing bills were severally read a second time and placed on the Calendar.

REPORT OF STANDING COMMITTEE ON ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Enrolled Bills reports that it has examined the following House bills and House joint resolution, and finds same correctly enrolled, to-wit:

H. 51. To repeal an Act entitled, "To provide for the payment in Pickens County, Alabama, of a license or privilege tax on gasoline and other motor fuel and to provide for the collection thereof and penalties for violation thereof".

Also:

H. 117. To amend Section 2 of an Act "To provide that all cities in Alabama which now have or may hereafter have a population of as much as twenty-four thousand and less than forty thousand according to the last Federal Census, or any such census which may hereafter be taken, shall be known and designated as Class 'D' cities; to provide and create a Commission form of municipal government and to establish the same in all Class 'D' cities of Alabama as herein defined; to abolish the offices of Mayor and Aldermen and otherwise provide for the creation and maintenance of said commission form of government; to provide for the selection and election of a chairman and two associate commissioners in lieu of mayor and aldermen; to prescribe limitations and qualifications for officers and employees and penalties for violation of the provisions of this Act. To Fix the Duties, powers and Compensation of the Board of Commissioners,—“approved March 6, 1931.

Also:

H. 151. To allow the Sheriff of DeKalb County, Alabama, an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of DeKalb County in monthly installments.

Also:

H. 183. To authorize the Board of Revenue, County Commissioners or other like County authorities in counties having a population of not less than 75,000 nor more than 110,000 according to the last Federal Census, or any future Federal Census; to purchase

and maintain a suitable automobile or automobile truck for the use of the Humane Officer of such county at the cost of said county.

Also:

H. 185. To provide that in all counties in the State of Alabama, having now or hereafter a population of not less than 110,000 nor more than 200,000, according to the last or any subsequent Federal census, that the Board of Health of such counties by whatever name called, shall make a monthly report of all deaths of residents of such county to the Board of Registrars of such county.

Also:

H. 197. TO AUTHORIZE THE CITY OF AUBURN, THROUGH ITS DULY CONSTITUTED OFFICERS AND WHEN APPROVED BY THE CITY COUNCIL, TO SELL AND DISPOSE OF ANY OR ALL OF THE FOLLOWING DESCRIBED PROPERTY LYING IN SAID CITY IN LEE COUNTY, ALABAMA, A piece or parcel of land fronting 100 feet on Tichnor Avenue and extending back of uniform width for a distance of 160 feet, the western boundary of said land, being 156.5 feet east of the eastern line of College Street, in the City of Auburn, AND TO RATIFY AND CONFIRM ANY SALES OR PARTS THEREOF WHICH MAY HAVE HERETOFORE BEEN MADE BY SAID CITY.

Also:

H. 205. To require the Court of County Commissioners or Board of Finance and Control of Cullman county, Alabama, or other like governing body of said county to pay for the publishing of the notices of each and every local bill, for or which applies alone to the said County of Cullman, which is hereafter introduced at present session or any subsequent session of the Legislature of Alabama, when said bill is passed and becomes a law; and providing payment of the same out of money in the general fund of said county not otherwise appropriated, and providing the method of filing such claim.

Also:

H. 231. To require the Commissioners Court, or like governing Body of Pickens County, Alabama, to approve and Pay for Advertising The Notice and Substance of local bills to be introduced in the legislature for said county, when due proof has been made of the correctness of the charges for advertising as other

claims against the county are. This act shall apply to and include the notice and substance of bills advertised prior to and during the present session of the legislature. This Act shall apply to Local Bills only that have the approval of the Representative of Pickens County.

Also:

H. 232. To relieve all Persons in any Municipality, In Pickens County, Alabama, Of and from any and all legal obligation to work on the Streets, in any municipality of Pickens County, Ala., or to pay any money in Lieu of such Obligation. To prohibit the Levying or collecting of Street Tax, whether the same is now due or is hereafter to become due.

Also:

H. 233. To relieve all persons in Pickens County, Alabama, of any legal obligation to work on the public roads in said county, or to pay any money in lieu of such obligation to work on the public roads in Pickens County, Alabama.

Also:

H. J. R. 25. Relative to supplying Library of Congress with Copies of Acts and Journals.

Dan Gullett Cook,
Chairman.

SIGNING OF HOUSE BILLS AND HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills and House joint resolution, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following bills and ordered same sent forthwith to the House without engrossment.

By Mr. Walton:

S. 65. To regulate school warrants, school finances, and school tax elections, to validate certain school warrants and indebtedness, and to repeal laws in conflict therewith.

Also:

By Mr. Swift:

S. 88. To amend Schedule 84 of Section 348 of Article 13, Chapter 3, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Also:

By Mr. Browder:

S. 90. To amend Sub-section D of Section 1 of an Act entitled: "An Act in relation to the educational system of Alabama: To make annual appropriations and provide funds for the support, maintenance and development of public education in Alabama, for the fiscal years ending September 30, 1936, 1937, 1938 and 1939, including all schools agencies, services and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, the Alabama School of Trades and Industries, the Alabama College, the Alabama Polytechnic Institute and the University of Alabama. (Approved September 2, 1935.)"

Also:

By Mr. Browder:

S. 91. To amend, by adding Section 4½ and amending Section 5, an Act entitled: "An Act in relation to the public school system of Alabama: To make appropriations and provide funds for the support, maintenance, and development of the public school system of the State. (Approved September 2, 1935.)"

Also:

By Mr. Rogers (Mobile):

S. 85. A bill to be entitled An Act to submit to the qualified voters of the State of Alabama, at the general election to be held in November, 1936, for their consideration an amendment to the Constitution of the State of Alabama so as to authorize and empower the Legislature from time to time by general or local laws to fix, regulate, and alter the costs, fees, commissions, allowances, or salary to be charged or received by the Sheriff of Mobile County, including the method or basis of his compensation.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration as hereinafter set forth, viz: "The Legislature of Alabama may hereafter from time

to time by general or local laws, fix, regulate, and alter the costs, fees, commissions, allowances, or salary to be charged or received by the Sheriff of Mobile County, including the method and basis of his compensation."

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in the State at least four successive weeks next preceding the general election in November, 1936, of the election on the amendment proposed by this Act to be submitted to the qualified voters of the State for their consideration, together with the proposed amendment.

Section 3. That at the general election in November, 1936, an election shall be held for the vote of the qualified electors of the State upon the proposed amendment. Upon the official ballot printed for such election shall be printed for following, viz: "Shall the following be adopted as an amendment to the Constitution of Alabama? 'The Legislature of Alabama may hereafter from time to time by general or local laws fix, regulate, and alter the costs, fees, commissions, allowances, or salary to be charged or received by the sheriff of Mobile County, including the method and basis of his compensation.'" Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No." The choice of the voter shall be indicated by cross-mark by him or her opposite the word expressing his or her desire.

Section 4. The officers of such general election shall open a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon such proposed amendment the votes cast thereat shall be canvassed, tabulated, and the returns thereof be made to the Secretary of State and counted in the same manner as in elections for Governor, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

Judiciary—S. 65.

Ways and Means—S. 88.

Appropriations—S. 90, S. 91.

Constitution and Constitutional Amendments—S. 85, which proposed an amendment to the Constitution and was read the first time at length.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following bill:

By Mr. Walton:

S. 44. To amend an Act of the Legislature of Alabama entitled, "An Act for the protection of human beings against rabies, to require inoculation against rabies of all dogs running at large, to provide for the apprehension and disposition of dogs running at large which have not been inoculated in accordance with the provisions of this Act, to provide for the confinement of bitten dogs, and dogs that have bitten human beings, to provide a means of enforcement of the provisions of this Act, the appointment of a Rabies Inspector, to fix fees for inoculation of dogs, and to fix penalties for the violation of the provisions hereof," approved September 13, 1935.

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bill, S. 44, set out in the above and foregoing Message from the Senate, was read one time and referred to the Standing Committee on Public Health.

BILL INDEFINITELY POSTPONED

On motion of Mr. O'Neal H. 15 was indefinitely postponed.

BILL ON THIRD READING

H. 112. To amend Schedule 82 of Section 348 of Chapter 1 of Article XIII of an act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

Was read a third time at length and defeated.

Yeas, 31; Nays, 31.

*Yeas:***Messrs.:**

Mr. Speaker	Cox	Lee (Monroe)	Shipman
Adams	Denson	Matthews	Sightler
Arnold	Glover	McDermott	Sparks (Barbour)
Austin	Goodwyn	Norman (Lowndes)	Steele
Boswell	Goolsby	Parish (Henry)	Taylor
Calhoun	Hendley	Parish (Pike)	Toomer
Castleberry	Henson	Reeder	Wallace
Cook	Hollis	Robinson (Lowndes)	

—31

*Nays:***Messrs.:**

Bateman	Livingston	Quarles	Terry
Blann	Long	Rayburn	Tidmore
Burleson	Merrill	Reid	Todd
Dominick	Miller	Sanderson	Tolbert
Haley	Moore	Shaver	Tompkins
Hanks	Owen (Etowah)	Sparks (Walker)	Whigham
Hill	Owens (Madison)	Spence	Williams
Jones	Posey (Walker)	Street	

—31

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 53. To authorize and empower the County Board of Education of Chilton County, Alabama to rent offices, buildings or parts of buildings for quarters or offices to be used by said County Board of Education and the Superintendent of Education and his assistants, of said county, and to authorize the Board of Education of Chilton County, Alabama, to purchase or buy necessary office equipment, supplies, stationery, postage, janitorial supplies, coal, telephone, lights and water and hire janitor services and to pay for the same out of the School funds of Chilton County, Alabama.

Also:

S. 54. To require the Court of County Commissioners of Chilton County, Alabama to set aside and appropriate, after payment has been made of the liability of Chilton County, Alabama, for its share of paving the Clanton-Selma Highway in Chilton County, Alabama, such part of the funds received by Chilton County, Alabama, from the State of Alabama as Gasoline Tax as will equal its part or share of said tax to the extent of 1c per gallon of said gasoline tax, for the purpose constructing and maintaining in said Chilton County, Alabama public Highway of a permanent type of paved road and to prohibit the Court of County Commissioners of Chilton County, Alabama from expending its gasoline tax received

from the State of Alabama to the extent of the tax of 1c per gallon for any other purposes.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing Message from the Senate.

BILLS ON THIRD READING

H. 100. To amend Section 9709 of the Code of Alabama of 1923 relating to transportation companies as defined therein.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 67; Nays, 1.

Yeas:

Messrs.:

Mr. Speaker

Almon

Arnold

Austin

Bateman

Boswell

Braswell

Bridges

Britton

Bulger

Burleson

Byars

Calhoun

Castleberry

Connor

Cook

Cox

Davis

Delony

Denson

De Vane

Dominick

Glover

Goodwyn

Haley

Hanks

Hendley

Henson

Hill

Hollis

Kelly

Lee (Monroe)

Livingston

Long

Matthews

Merrill

Moore

Norman (Lowndes)

O'Neal

Owen (Etowah)

Owens (Madison)

Parish (Henry)

Parish (Pike)

Petrey

Quarles

Rayburn

Reeder

Reid

Reynolds

Robertson (Cullman)

Robinson (Lowndes)

Shaver

Shipman

Sightler

Sparks (Walker)

Spence

Steele

Street

Taylor

Terry

Tidmore

Todd

Tolbert

Tompkins

Toomer

Whigham

Williams

—67

Nay: Mr. McDermott

— 1

H. 137. To amend Section 360 of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935 and known as House Bill 324.

Was taken up. The question was on the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

Committee substitute for House bill 137:

A BILL

To be entitled An Act to Amend Section 360 of an Act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935 and known as House bill 324.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 360 of an Act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935 and known as House Bill 324 be and the same is hereby amended to read as follows:

Section 360. Whenever this Act fixes a license for a business or occupation which is located without the corporate limits of an incorporated municipality but within a fixed distance of such municipality and fixes the amount of the license by the population of such municipality, in the event there is more than one municipality within such distance of the location of such business then, in that event, the amount of the license shall be that which is provided for by the nearest municipality.

Section 2. All laws and parts of laws in conflict herewith are hereby repealed.

And the Substitute was adopted.

Yeas, 77; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Denson	Miles	Shaver
Adams	De Vane	Miller	Shipman
Almon	Dominick	Moore	Sightler
Arnold	Doster	McDermott	Sparks (Barbour)
Austin	Douglass	Norman (Lowndes)	Sparks (Walker)
Bateman	Goodwyn	O'Neal	Spence
Blann	Goolsby	Owen (Etowah)	Staples
Braswell	Haley	Owens (Madison)	Steele
Bridges	Hanks	Parish (Henry)	Taylor
Bulger	Hare	Parish (Pike)	Terry
Burleson	Hendley	Petrey	Tidmore
Byars	Henson	Poole	Todd
Calhoun	Hill	Posey (Walker)	Tolbert
Castleberry	Hollis	Rayburn	Tompkins
Chichester	Jones	Reeder	Toomer
Connor	Kelly	Reid	Wallace
Cook	Long	Reynolds	Welch
Cox	Matthews	Robertson (Cullman)	Whigham
Davis	Merrill	Robinson (Lowndes)	Williams
Delony			

—77

And the bill:

H. 137. To amend Section 360 of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935 and known as House Bill 324.

As amended by the substitute, was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 77; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Denson	Miles	Shaver
Adams	De Vane	Miller	Shipman
Almon	Dominick	Moore	Sightler
Arnold	Doster	McDermott	Sparks (Barbour)
Austin	Douglass	Norman (Lowndes)	Sparks (Walker)
Bateman	Goodwyn	O'Neal	Spence
Blann	Goolsby	Owen (Etowah)	Staples
Braswell	Haley	Owens (Madison)	Steele
Bridges	Hanks	Parish (Henry)	Taylor
Bulger	Hare	Parish (Pike)	Terry
Burleson	Hendley	Petrey	Tidmore
Byars	Henson	Poole	Todd
Calhoun	Hill	Posey (Walker)	Tolbert
Castleberry	Hollis	Rayburn	Tompkins
Chichester	Jones	Reeder	Toomer
Connor	Kelly	Reid	Wallace
Cook	Long	Reynolds	Welch
Cox	Matthews	Robertson (Cullman)	Whigham
Davis	Merrill	Robinson (Lowndes)	Williams
Delony			

—77

H. 148. To amend Section 178 of Article 6 of an act entitled, "An Act to provide for the general revenue of the State of Alabama", Approved July 10, 1935.

Was taken up. The question was on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

WAYS AND MEANS COMMITTEE AMENDMENT TO HOUSE
BILL, 148

Amend House Bill 148 by adding at the end thereof, after the word "court" the following words:

"The cost of such publication shall be paid by the Board of Revenue or other like governing body of the County".

And the amendment was adopted.

Yeas, 79; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Boswell	Castleberry	Delony
Almon	Braswell	Chichester	Denson
Arnold	Bridges	Connor	Dominick
Austin	Bulger	Cook	Doster
Bateman	Burleson	Cox	Douglass
Blann	Byars	Davis	Glover

Goodwyn	Matthews	Poole	Spence
Goolsby	Merrill	Posey (Walker)	Steele
Haley	Miles	Quarles	Terry
Hamner	Miller	Rayburn	Tidmore
Hanks	Moore	Reeder	Todd
Hendley	McDermott	Reid	Tolbert
Henson	McGowin	Reynolds	Tompkins
Hill	Norman (Lowndes)	Robertson (Cullman)	Toomer
Hollis	O'Neal	Robinson (Lowndes)	Waldrep
Jones	Owen (Etowah)	Shaver	Wallace
Kelly	Owens (Madison)	Shipman	Welch
Lee (Monroe)	Parish (Henry)	Sightler	Whigham
Livingston	Parish (Pike)	Sparks (Barbour)	Williams
Long	Petrey	Sparks (Walker)	

—79

And the bill:

H. 148. To amend Section 178 of Article 6 of an act entitled, "An act to provide for the general revenue of the State of Alabama", Approved July 10, 1935.

As amended, was read a third time at length and passed.

Yeas, 79; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Dominick	Miles	Robinson (Lowndes)
Almon	Doster	Miller	Shaver
Arnold	Douglass	Moore	Shipman
Austin	Glover	McDermott	Sightler
Bateman	Goodwyn	McGowin	Sparks (Barbour)
Blann	Goolsby	Norman (Lowndes)	Sparks (Walker)
Boswell	Haley	O'Neal	Spence
Braswell	Hamner	Owen (Etowah)	Steele
Bridges	Hanks	Owens (Madison)	Terry
Bulger	Hendley	Parish (Henry)	Tidmore
Burleson	Henson	Parish (Pike)	Todd
Byars	Hill	Petrey	Tolbert
Castleberry	Hollis	Poole	Tompkins
Chichester	Jones	Posey (Walker)	Toomer
Connor	Kelly	Quarles	Waldrep
Cook	Lee (Monroe)	Rayburn	Wallace
Cox	Livingston	Reeder	Welch
Davis	Long	Reid	Whigham
Delony	Matthews	Reynolds	Williams
Denson	Merrill	Robertson (Cullman)	

—79

H. 99. To amend Schedule 158.5 of chapter 6, Article 13, of an act entitled "An act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

Was taken up. The question was on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

WAYS AND MEANS COMMITTEE AMENDMENT TO H. B. 99

Amend House Bill 99, which amends Schedule 158.5 of Chapter 6, Article 13, of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935, by adding at the end of said Schedule 158.5 the following:

"But in no event shall the price of the license tag be less than two dollars".

And the amendment was adopted.

Yeas, 79; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker

Adams

Almon

Arnold

Austin

Bateman

Blann

Boswell

Braswell

Bridges

Bulger

Burleson

Byars

Calhoun

Castleberry

Chichester

Connor

Cook

Cox

Delony

Denson

Dominick

Doster

Douglass

Glover

Goodwyn

Haley

Hamner

Hanks

Henson

Hill

Hollis

Jones

Kelly

Lee (Monroe)

Livingston

Long

Matthews

Merrill

Miles

Miller

Moore

McDermott

McGowin

Norman (Lowndes)

O'Neal

Owen (Etowah)

Owens (Madison)

Parish (Henry)

Parish (Pike)

Petrey

Poole

Posey (Walker)

Quarles

Rayburn

Reeder

Reid

Reynolds

Robertson (Cullman)

Robinson (Lowndes)

Shaver

Shipman

Sightler

Sparks (Barbour)

Sparks (Walker)

Spence

Staples

Steele

Street

Taylor

Terry

Tidmore

Todd

Tompkins

Toomer

Wallace

Welch

Whigham

Williams

—79

And the bill:

H. 99. To amend Schedule 158.5 of Chapter 6, Article 13, of an act entitled "An act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

As amended was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 79; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker

Adams

Almon

Arnold

Austin

Bateman

Blann

Boswell

Braswell

Bridges

Bulger

Burleson

Byars

Calhoun

Castleberry

Chichester

Connor

Cook

Cox

Delony

Denson

Dominick

Doster

Douglass

Glover

Goodwyn

Haley

Hamner

Hanks

Henson

Hill

Hollis

Jones

Kelly

Lee (Monroe)

Livingston

Long	Owens (Madison)	Robertson (Cullman)	Taylor
Matthews	Parish (Henry)	Robinson (Lowndes)	Terry
Merrill	Parish (Pike)	Shaver	Tidmore
Miles	Petrey	Shipman	Todd
Miller	Poole	Sightler	Tompkins
Moore	Posey (Walker)	Sparks (Barbour)	Toomer
McDermott	Quarles	Sparks (Walker)	Wallace
McGowin	Rayburn	Spence	Welch
Norman (Lowndes)	Reeder	Staples	Whigham
O'Neal	Reid	Steele	Williams
Owen (Etowah)	Reynolds	Street	

—79

MESSAGE FROM THE SENATE

Mr. Speaker :

The Senate has originated and adopted the following joint resolution :

By the Rules Committee :

S. J. R. 29. Be it Resolved by the Senate, the House concurring, that when the two houses adjourn today, they adjourn to meet again on Wednesday, March 18, 1936, at ten o'clock.

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Harrison the rules were suspended and the resolution, S. J. R. 29, set out in the above and foregoing Message from the Senate, was adopted.

BILL ON THIRD READING

H. 178. To amend Schedule 158 of Chapter 6, Article 13 of "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

Was taken up. Mr. Connor offered the following amendment to the bill, H. 178:

AMENDMENT TO H. 178 BY MR. CONNOR

Amend House Bill No. 178 by striking out \$1.00 where same occurs and inserting in lieu thereof 50c.

And the amendment was adopted.

Yeas, 45; Nays, 26.

Yeas:**Messrs.:**

Adams	Douglass	Matthews	Shaver
Austin	Glover	Moore	Spence
Bateman	Haley	Norman (Lowndes)	Taylor
Burleson	Hanks	Owens (Madison)	Terry
Calhoun	Hare	Parish (Henry)	Tidmore
Chichester	Hendley	Parish (Pike)	Todd
Connor	Hill	Quarles	Waldrep
Cook	Hollis	Reeder	Wallace
Cox	Kelly	Reid	Welch
Denson	Livingston	Robertson (Cullman)	Whigham
Dominick	Long	Robinson (Lowndes)	Williams
Doster			

—45

Nays:**Messrs.:**

Mr. Speaker	Castleberry	Miller	Rayburn
Arnold	Delony	McDermott	Reynolds
Blann	De Vane	Owen (Etowah)	Sightler
Boswell	Hamner	Petrey	Sparks (Walker)
Braswell	Henson	Poole	Tolbert
Bulger	Merrill	Posey (Walker)	Tompkins
Byars	Miles		

—26

And the bill:

H. 178. To amend Schedule 158 of Chapter 6, Article 13 of "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

As amended, was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 77; Nays, 0.

Yeas:**Messrs.:**

Mr. Speaker	Denson	Miller	Shaver
Adams	De Vane	Moore	Shipman
Arnold	Dominick	McDermott	Sightler
Austin	Doster	McGowin	Sparks (Barbour)
Bateman	Douglass	Norman (Lowndes)	Sparks (Walker)
Blann	Glover	O'Neal	Spence
Boswell	Goodwyn	Owen (Etowah)	Staples
Braswell	Haley	Owens (Madison)	Steele
Bridges	Hamner	Parish (Henry)	Taylor
Bulger	Hanks	Parish (Pike)	Terry
Burleson	Hare	Petrey	Tidmore
Byars	Henson	Posey (Walker)	Todd
Calhoun	Hill	Quarles	Tolbert
Castleberry	Hollis	Rayburn	Tompkins
Chichester	Kelly	Reeder	Waldrep
Connor	Long	Reid	Wallace
Cook	Matthews	Reynolds	Welch
Cox	Merrill	Robertson (Cullman)	Whigham
Davis	Miles	Robinson (Lowndes)	Williams
Delony			

—77

RECESS

On motion of Mr. McGowin the House recessed until 3 o'clock P.M.

THIRTEENTH DAY—AFTERNOON SESSION

The hour of 3 o'clock P.M. having arrived the House reconvened.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 200. To Regulate and control the purchase of goods and supplies for Madison County by the Board of County Commissioners, or other like governing body of Madison County.

Also:

H. 237. To require the Commissioners Court of Marshall County to approve and the treasurer of said County of Marshall to pay the cost of advertising any local legislation for Marshall County that may have the approval of the Representative of Marshall County in the Legislature.

Also:

H. 239. To amend An Act entitled, "An Act to provide for the election of a County Superintendent of Education for Marshall County, Alabama, by the qualified electors thereof; to prescribe the qualifications of said officer; to prescribe the duties of said officer, and to fix the term and compensation of said officer" approved Feb. 17, 1931.

Also:

H. 203. To authorize the Board of County Commissioners, or such like Governing Body of Madison County, to donate and appropriate to the Public Welfare Board in said County for relief of destitution, proceeds of the excise tax on gasoline, distributed to said County under the provisions of Article XIII, Chapter 4, of an Act of the Legislature of Alabama entitled: "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935, and to ratify and confirm such donations and appropriations heretofore made to the Public Welfare Board in said county; and to repeal all laws in conflict with this Act.

Also:

H. 105. To authorize the Court of County Commissioners of Bullock County, Alabama, to replace in the Fine and Forfeiture Fund of said county, by transfer from the General Fund of said county to the Fine and Forfeiture Fund of said county, such sums of money as have been heretofore transferred from said Fine and Forfeiture Fund to the General Fund of said county.

Also:

H. 18. To amend Article XIII, Chapter 1, Section 348, Schedule 104 of the General Revenue Law of 1935 entitled "An Act to provide for the general revenue of the State of Alabama."

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following bill and ordered same sent forthwith to the House without engrossment:

By Mr. Wellborn:

S. 107. To authorize and direct the Board of Revenue of Calhoun County, Alabama to pay for advertising the notice and substance of local bills to be introduced or having been introduced in the Legislature for said County when the bill applies to the whole county.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

A BILL TO BE ENTITLED AN ACT

To authorize and direct the Board of Revenue of Calhoun County, Alabama to pay for advertising the notice and substance of local bills to be introduced or having been introduced in the Legislature for said County when the bill applies to the whole County.

Be it enacted by the Legislature of Alabama:

Section 1. That the Board of Revenue of Calhoun County, Alabama be and is hereby authorized and directed to pay for advertising the notice and substance of local bills to be introduced in the Legislature of Alabama for said county, when due proof of the correctness of the account has been made thereof as in other cases of claims or charges are made against the county. This bill shall only apply to local bills that apply to the entire County of Calhoun.

Section 2. This bill shall apply to and include the notice and substance of bills which have been advertised heretofore and those advertised prior

to and during the forthcoming session of the Legislature, whether said bills have been enacted into law or not.

Section 3. All laws and parts of laws in conflict with this act be and the same are hereby repealed, insofar as they may affect Calhoun County, Alabama.

Section 4. That this act shall take effect and become a law immediately upon its passage and approval by the Governor.

STATE OF ALABAMA. }
COUNTY OF CALHOUN. }

Before me, Clara B. Wright, Notary Public in and for said state and county, personally appeared Harry M. Ayers, publisher of The Anniston Star, a daily newspaper published in Anniston in said state and county, who being duly sworn, deposes and says that the attached notice advertising an act to authorize the Board of Revenue to pay for advertising, was published in the Anniston Star, February 3, 10, 17, and 24, 1936.

Harry M. Ayers.

Sworn to and subscribed to before me this the 10th day of March, 1936.

(Seal) Clara B. Wright,
Notary Public.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate Bill, S. 107, the title to which is set out in the above and foregoing Message from the Senate, was read one time and referred to the Standing Committee on Local Legislation No. One.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown, and, as amended, has passed the following House bill, and returns same herewith to the House:

H. 242. To prohibit in all counties which now have or which may hereafter have a population of more than 25,000 and less than 26,000 inhabitants according to the last or any subsequent Federal census, the catching, capturing, killing or pursuing with intent to catch, capture or kill, by any means, wild hogs, unmarked, except during the month of December.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Castleberry the House non-concurred in the Senate amendment to the bill, H. 242, said Senate amendment being as follows:

Amend Section 1 of House Bill 242 by adding at the end of said Section 1 the following: "Provided, that wherever the word or words "wild hog" or "wild hogs" appear in this Section the same shall refer to and shall be generally known throughout the County as "wifflepoofles."

And requested a committee of conference.

The Speaker appointed as conferees on part of the House Messrs. Castleberry, Lee (Monroe) and McPhaul.

BILLS ON THIRD READING

H. 158. To Amend Section 276 of an Act entitled "an act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 58; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Dominick	Merrill	Sightler
Adams	Douglass	Miller	Sparks (Walker)
Arnold	Glover	Moore	Spence
Austin	Goodwyn	Norman (Lowndes)	Steele
Boswell	Haley	O'Neal	Taylor
Bridges	Hamner	Owens (Madison)	Tidmore
Britton	Hanks	Posey (Walker)	Todd
Burleson	Hendley	Rayburn	Tolbert
Byars	Hill	Reeder	Tompkins
Calhoun	Hollis	Reid	Toomer
Castleberry	Johnston	Reynolds	Waldrep
Cook	Kelly	Robertson (Cullman)	Wallace
Davis	Long	Robinson (Lowndes)	Welch
Delony	Lusk	Shaver	Whigham
Denson	Matthews		

—58

H. 136. To amend Section 5 of an Act approved September 11, 1935, entitled "An act to adopt for the State of Alabama the provisions of the Wagner-Peyser Act; to designate the State Department of Labor, when created, as the agency of the State for the purposes of such Act, and to make an appropriation therefor."

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 48; Nays, 8.

Yeas:**Messrs.:**

Adams	Denson	Merrill	Sightler
Arnold	Glover	Miles	Sparks (Walker)
Blann	Goodwyn	Miller	Staples
Boswell	Haley	Moore	Steele
Bridges	Hamner	McDermott	Taylor
Britton	Hanks	Owen (Etowah)	Tidmore
Calhoun	Hendley	Owens (Madison)	Todd
Castleberry	Hill	Parish (Henry)	Tolbert
Chichester	Hollis	Reid	Tompkins
Cook	Johnston	Reynolds	Waldrep
Cox	Lusk	Robertson (Cullman)	Wallace
Davis	Matthews	Shaver	Williams

—48

Nays:**Messrs.:**

Braswell	Goolsby	Livingston	Robinson (Lowndes)
De Vane	Henson	Long	Spence

— 8

H. 27. To amend Section VIII of an Act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative and Judicial Departments of the State, for the interest on the public debt, and for the public schools".

Was taken up. The question was on the adoption of the substitute reported by the Standing Committee on Appropriations, said committee substitute being as follows:

Committee substitute H. 27:

A BILL

To be entitled an Act to amend Section VIII of an Act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative and Judicial Departments of the State, for the interest on the public debt, and for the public schools." Approved Sept. 6, 1935.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section VIII of an act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative and Judicial Departments of the State, for the interest on the public debt, and for the public schools" approved Sept. 6, 1935 be and the same is hereby amended to read as follows:

VIII. CONSERVATION OF HEALTH AND SANITATION. 1. State Health Department. (1) The salary of the State Health Officer, \$3,600.00 for every year; (2) For other personal services \$193,500.00 for every year; (3) For other expenses including County Health Work \$202,900.00 for every year.

2. Pasteur Treatments: For Pasteur Treatments \$30,000.00 for every year.

3. State Serum Plant: Salaries and other expense \$3,000.00—\$3,000.00.

4. State Service Commission: For compensation of Commissioner \$2,400.00; Other salaries \$8,000.00; Supplies and materials \$250.00; Postage, telephone and telegraph \$400.00; Printing and binding \$60.00; Travel Expense \$250.00; Insurance and bonding \$10.00; Rent, lights, heat and water \$630.00—\$12,000.00.

Section 2. This Act shall be effective from October 1, 1935.

And the substitute was adopted.

Yeas, 63; Nays, 0.

Yeas:

Messrs.:

Adams	Delony	Long	Sightler
Arnold	De Vane	Lusk	Sparks (Barbour)
Austin	Dominick	Matthews	Sparks (Walker)
Blann	Glover	Merrill	Spence
Boswell	Goodwyn	Miles	Steele
Braswell	Haley	Miller	Taylor
Bridges	Hamner	Moore	Tidmore
Britton	Hanks	O'Neal	Todd
Burleson	Hare	Owen (Etowah)	Tolbert
Byars	Henson	Owens (Madison)	Tompkins
Calhoun	Hill	Parish (Henry)	Toomer
Castleberry	Hollis	Parish (Pike)	Waldrep
Chichester	Johnston	Petrey	Wallace
Cook	Kelly	Posey (Walker)	Welch
Cox	Lee (Monroe)	Rayburn	Williams
Davis	Livingston	Reeder	

—63

And the bill:

H. 27. To amend Section VIII of an Act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative and Judicial Departments of the State, for the interest on the public debt, and for the public schools".

As amended by the substitute, was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 63; Nays, 0.

Yeas:

Messrs.:

Adams	Byars	Dominick	Hollis
Arnold	Calhoun	Glover	Johnston
Austin	Castleberry	Goodwyn	Kelly
Blann	Chichester	Haley	Lee (Monroe)
Boswell	Cook	Hamner	Livingston
Braswell	Cox	Hanks	Long
Bridges	Davis	Hare	Lusk
Britton	Delony	Henson	Matthews
Burleson	De Vane	Hill	Merrill

Miles	Parish (Pike)	Sparks (Walker)	Tompkins
Miller	Petrey	Spence	Toomer
Moore	Posey (Walker)	Steele	Waldrep
O'Neal	Rayburn	Taylor	Wallace
Owen (Etowah)	Reeder	Tidmore	Welch
Owens (Madison)	Sightler	Todd	Williams
Parish (Henry)	Sparks (Barbour)	Tolbert	

—63

S. 81. To Amend an Act approved September 13, 1935, entitled 'An Act to Amend Section 28 of an Act entitled "An Act to creat a pilotage commission; to define its jurisdiction, powers, and duties; to regulate pilots and pilotage, and to fix fees therefor; to prescribe the mode, penalties, and procedure for violation of this Act; and to repeal all laws in conflict therewith," approved March 4, 1931' "

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 65; Nays, 1.

Yeas:

Messrs.:			
Adams	Dominick	Matthews	Robertson (Cullman)
Austin	Douglass	Merrill	Shaver
Bateman	Glover	Miles	Sightler
Blann	Haley	Miller	Sparks (Walker)
Braswell	Hamner	Moore	Spence
Bridges	Hanks	McDermott	Staples
Burleson	Hare	McGowin	Steele
Byars	Henson	Norman (Lowndes)	Taylor
Calhoun	Hill	Owen (Etowah)	Tidmore
Castleberry	Hollis	Parish (Henry)	Todd
Chichester	Johnston	Parish (Pike)	Tolbert
Cook	Kelly	Petrey	Toomer
Cox	Lee (Monroe)	Posey (Walker)	Waldrep
Davis	Livingston	Rayburn	Wallace
Delony	Long	Reeder	Welch
Denson	Lusk	Reynolds	Williams
De Vane			

—65

Nay: Mr. Tompkins

— 1

BILL INDEFINITELY POSTPONED

On motion of Mr. McDermott H. 188 was indefinitely postponed.

BILLS ON THIRD READING

H. 121. To amend Section 8605 of the Code of Alabama of 1923.

Was taken up. Mr. Goolsby offered the following substitute for the bill H. 121;

Goolsby substitute for H. 121:

A BILL

To be entitled An Act to amend an act approved March 15, 1933, to amend Section 8605 of the Code of Alabama of 1923.

Be it enacted by the Legislature of Alabama:

That an act entitled an act to amend an act approved March 15, 1933 to amend section 8605 of the Code of Alabama of 1923, be amended so as to read as follows:

Section 8605 (7245) (4986) (4734) (514) PERSONS EXEMPT FROM JURY DUTY. The following persons are hereby exempt from jury duty, unless by their own consent: Judges of the several courts; attorneys at law during the time they practice their professions; officers of the United States; Officers of the Executive Departments of the State Government; Sheriffs and their deputies; Clerks of the Courts and county commissioners; regularly licensed and practicing physicians; dentists or pharmacists; teachers of public or private schools while actively engaged in their profession; consuls or vice consuls or any consular agent of any foreign country; officers and regularly licensed engineers of any boat plying the waters of this state; train dispatchers, railroad station agents, telegraph operators when actually engaged and in charge of any office; conductors, engineers, firemen, brakemen, switchman, flagman and any other railroad employee actually engaged in the operation of any train of any railroad; regularly licensed embalmers and undertakers and their employees while actually engaged in their profession; and rural and city or town mail carriers while engaged in their work.

And the substitute was adopted.

Yeas, 67; Nays, 0.

Yeas:

Messrs.:

Adams	Douglass	Matthews	Robinson (Lowndes)
Arnold	Glover	Merrill	Shaver
Austin	Goodwyn	Miles	Sightler
Bateman	Goolsby	Moore	Sparks (Walker)
Braswell	Haley	McGowin	Spence
Bridges	Hamner	Norman (Lowndes)	Staples
Burleson	Hanks	Owen (Etowah)	Taylor
Byars	Hendley	Owens (Madison)	Tidmore
Calhoun	Henson	Parish (Henry)	Todd
Castleberry	Hill	Parish (Pike)	Tolbert
Connor	Hollis	Petrey	Tompkins
Cook	Johnston	Posey (Walker)	Toomer
Cox	Jones	Propst	Wallace
Davis	Kelly	Reeder	Welch
Denson	Lee (Monroe)	Reid	Whigham
Dominick	Long	Reynolds	Williams
Doster	Lusk	Robertson (Cullman)	

And the bill:

H. 121. To amend Section 8605 of the Code of Alabama of 1923.

As amended by the substitute, was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 67; Nays, 0.

Yeas:

Messrs.:

Adams	Douglass	Matthews	Robinson (Lowndes)
Arnold	Glover	Merrill	Shaver
Austin	Goodwyn	Miles	Sightler
Bateman	Goolsby	Moore	Sparks (Walker)
Braswell	Haley	McGowin	Spence
Bridges	Hamner	Norman (Lowndes)	Staples
Burleson	Hanks	Owen (Etowah)	Taylor
Byars	Hendley	Owens (Madison)	Tidmore
Calhoun	Henson	Parish (Henry)	Todd
Castleberry	Hill	Parish (Pike)	Tolbert
Connor	Hollis	Petrey	Tompkins
Cook	Johnston	Posey (Walker)	Toomer
Cox	Jones	Propst	Wallace
Davis	Kelly	Reeder	Welch
Denson	Lee (Monroe)	Reid	Whigham
Dominick	Long	Reynolds	Williams
Doster	Lusk	Robertson (Cullman)	

—67

H. 204. To amend the title, and section 10, and section 16, and section 17, and to repeal section 11 of an act approved September 14, 1935, Entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such commission; to accept the benefit of an Act of Congress, approved June 6, 1933, Entitled "An Act to provide for the establishment of a National employment system and for cooperation with the states in the promotion of such system and for other purposes", to provide for the creation of An Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this act; to establish an

unemployment administration fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this act." (1935 Acts, Page 950).

Was taken up. Mr. McGowin offered the following amendment to the bill, H. 204:

McGowin Amendment to H. 204:

Amend H. B. No. 204 by striking therefrom sub-section (c) of section 4.

And the amendment was adopted.

Yeas, 62; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Glover	Norman (Lowndes)	Shipman
Arnold	Goodwyn	Owen (Etowah)	Sightler
Austin	Haley	Owens (Madison)	Sparks (Barbour)
Bateman	Hendley	Parish (Henry)	Sparks (Walker)
Boswell	Hill	Parish (Pike)	Spence
Braswell	Hollis	Petrey	Staples
Bridges	Johnston	Poole	Taylor
Byars	Jones	Posey (Walker)	Tidmore
Calhoun	Livingston	Propst	Todd
Castleberry	Long	Reeder	Tolbert
Cox	Matthews	Reid	Toomer
Davis	Merrill	Reynolds	Waldrep
Delony	Miles	Robertson (Cullman)	Wallace
Denson	Miller	Robinson (Lowndes)	Welch
Dominick	Moore	Shaver	Williams
Doster	McGowin		

—62

And the bill:

H. 204. To amend the title, and section 10, and section 16, and section 17, and to repeal section 11 of an act approved September 14, 1935, Entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its power and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such commission; to accept the benefit of an Act of Congress, approved June 6, 1933, Entitled "An Act to provide for the establishment of a National employment system and for cooperation with the states in the promotion of such system and for other purposes", to provide for the creation of An Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or

the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this act; to establish an unemployment administration fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this act." (1935 Acts, Page 950).

As amended, was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 62; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Glover	Norman (Lowndes)	Shipman
Arnold	Goodwyn	Owen (Etowah)	Sightler
Austin	Haley	Owens (Madison)	Sparks (Barbour)
Bateman	Hendley	Parish (Henry)	Sparks (Walker)
Boswell	Hill	Parish (Pike)	Spence
Braswell	Hollis	Petrey	Staples
Bridges	Johnston	Poole	Taylor
Byars	Jones	Posey (Walker)	Tidmore
Calhoun	Livingston	Propst	Todd
Castleberry	Long	Reeder	Tolbert
Cox	Matthews	Reid	Toomer
Davis	Merrill	Reynolds	Waldrep
Delony	Miles	Robertson (Cullman)	Wallace
Denson	Miller	Robinson (Lowndes)	Welch
Dominick	Moore	Shaver	Williams
Doster	McGowin		

—62

H. 229. To amend Section 216 of an Act entitled "To provide for the general revenue of the State of Alabama", approved July 10, 1935.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 67; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Denson	Hollis	Parish (Henry)
Adams	Dominick	Johnston	Parish (Pike)
Arnold	Doster	Jones	Petrey
Austin	Douglass	Kelly	Propst
Bateman	Glover	Long	Reeder
Boswell	Goodwyn	Matthews	Reid
Braswell	Goolsby	Merrill	Robertson (Cullman)
Bridges	Haley	Miles	Robinson (Lowndes)
Byars	Hamner	Miller	Shaver
Calhoun	Hanks	Moore	Shipman
Chichester	Hare	McDermott	Sightler
Connor	Hendley	Norman (Lowndes)	Sparks (Walker)
Cox	Henson	Owen (Etowah)	Spence
Delony	Hill	Owens (Madison)	Staples

Steele
Taylor
Tidmore

Todd
Tolbert
Tompkins

Toomer
Waldrep
Wallace

Welch
Williams

—67

On motion of Mr. Long the bill, H. 229 was ordered sent forthwith to the Senate without engrossment.

H. 133. To amend Section 103 of Article 4 of an act entitled "To provide for the general revenue of the State of Alabama" approved July 10, 1935, pertaining to and providing for appeals from final assessments made by the State Tax Commission.

Was taken up. The question was on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

WAYS AND MEANS COMMITTEE AMENDMENT TO HOUSE

BILL NO. 133

Amend House Bill No. 133 as follows: Strike therefrom the words beginning "A Bill to be entitled an Act", and ending "providing for appeals from final assessment made by the State Tax Commission be and the same is hereby amended to read as follows:" and substitute in lieu thereof the following:

A BILL,

To be entitled An Act to amend Section 103 of Article 4 of an Act entitled "To provide for the general revenue of the State of Alabama" approved July 10, 1935, pertaining to and providing for appeals from final assessments by the State Tax Commission.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 103, Article 4 of an act entitled "To provide for the general revenue of the State of Alabama", approved July 10, 1935, be and the same is hereby amended to read as follows:"

And the amendment was adopted.

Yeas, 65; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker
Adams
Arnold
Austin
Bateman
Boswell
Braswell
Burleson
Byars

Castleberry
Dominick
Doster
Douglass
Glover
Goolsby
Hamner
Hanks
Hare

Henson
Hill
Hollis
Johnston
Jones
Kelly
Livingston
Long
Lusk

Matthews
Merrill
Miles
Miller
Moore
McDermott
Norman (Lowndes)
Owen (Etowah)
Owens (Madison)

Parish (Henry)	Reynolds	Spence	Tolbert
Parish (Pike)	Robertson (Cullman)	Staples	Tompkins
Petrey	Robinson (Lowndes)	Steele	Toomer
Poole	Sanderson	Street	Waldrep
Posey (Walker)	Shaver	Taylor	Wallace
Propst	Shipman	Tidmore	Welch
Reeder	Sparks (Walker)	Todd	Williams
Reid			

—65

And the bill:

H. 133. To amend Section 103 of Article 4 of an act entitled "To provide for the general revenue of the State of Alabama" approved July 10, 1935, pertaining to and providing for appeals from final assessments made by the State Tax Commission.

As amended, was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 65; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Hare	Norman (Lowndes)	Shipman
Adams	Henson	Owen (Etowah)	Sparks (Walker)
Arnold	Hill	Owens (Madison)	Spence
Austin	Hollis	Parish (Henry)	Staples
Bateman	Johnston	Parish (Pike)	Steele
Boswell	Jones	Petrey	Street
Braswell	Kelly	Poole	Taylor
Burleson	Livingston	Posey (Walker)	Tidmore
Byars	Long	Propst	Todd
Castleberry	Lusk	Reeder	Tolbert
Dominick	Matthews	Reid	Tompkins
Doster	Merrill	Reynolds	Toomer
Douglass	Miles	Robertson (Cullman)	Waldrep
Glover	Miller	Robinson (Lowndes)	Wallace
Goolsby	Moore	Sanderson	Welch
Hamner	McDermott	Shaver	Williams
Hanks			

—65

H. 270. To provide for the compensation of members of the Board of Revenue of Conecuh County, Alabama, out of the Gasoline Excise Tax Fund.

Was taken up. Mr. Castleberry offered the following substitute for the bill, H. 270:

Castleberry substitute for H. 270:

A BILL

To be entitled An Act to provide that the compensation of members of the Board of Revenue of Conecuh County, Alabama, may be paid out of the Gasoline Excise Tax Fund.

Be it enacted by the Legislature of Alabama:

Section 1. That the salaries, per diem and mileage of each member of the Board of Revenue of Conecuh County, Alabama, may be paid by the County Treasurer of Conecuh County, Alabama, out of the Gasoline Excise Tax Fund received from the State of Alabama as provided by Schedule 156.9 of the Revenue Bill of 1935.

Section 2. All laws, general, special and local, in conflict with the provisions of this Act are hereby repealed insofar as they relate to Conecuh County.

Section 3. This Act shall go into effect immediately upon its passage and approval by the Governor.

And the substitute was adopted:

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Hare	Owen (Etowah)	Sightler
Adams	Henson	Owens (Madison)	Sparks (Walker)
Arnold	Hill	Parish (Henry)	Spence
Austin	Hollis	Parish (Pike)	Staples
Bateman	Johnston	Petrey	Steele
Boswell	Jones	roole	Street
Braswell	Kelly	Posey (Walker)	Taylor
Burleson	Livingston	Propst	Tidmore
Byars	Long	Reeder	Todd
Castleberry	Lusk	Reid	Tolbert
Dominick	Matthews	Reynolds	Tompkins
Doster	Merrill	Robertson (Cullman)	Toomer
Douglass	Miles	Robinson (Lowndes)	Waldrep
Glover	Miller	Sanderson	Wallace
Goolsby	Moore	Shaver	Welch
Hamner	McDermott	Shipman	Williams
Hanks	Norman (Lowndes)		

—66

And the bill:

H. 270. To provide for the compensation of members of the Board of Revenue of Conecuh County, Alabama, out of the Gasoline Excise Tax Fund.

As amended by the substitute, was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Braswell	Douglass	Henson
Adams	Burleson	Glover	Hill
Arnold	Byars	Goolsby	Hollis
Austin	Castleberry	Hamner	Johnston
Bateman	Dominick	Hanks	Jones
Boswell	Doster	Hare	Kelly

Livingston	Owens (Madison)	Robinson (Lowndes)	Taylor
Long	Parish (Henry)	Sanderson	Tidmore
Lusk	Parish (Pike)	Shaver	Todd
Matthews	Petrey	Shipman	Tolbert
Merrill	Poole	Sightler	Tompkins
Miles	Posey (Walker)	Sparks (Walker)	Toomer
Miller	Propst	Spence	Waldrep
Moore	Reeder	Staples	Wallace
McDermott	Reid	Steele	Welch
Norman (Lowndes)	Reynolds	Street	Williams
Owen (Etowah)	Robertson (Cullman)		

—66

On motion of Mr. Castleberry the bill, H. 270 was ordered sent forthwith to the Senate without engrossment.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has receded from its amendment to the bill:

H. 242. To prohibit in all counties which now have or which may hereafter have a population of more than 25,000 and less than 26,000 inhabitants according to the last or any subsequent Federal census, the catching, capturing, killing or pursuing with intent to catch, capture or kill, by any means, wild hogs, unmarked, except during the month of December.

J. E. Speight,
Secretary.

BILLS ON THIRD READING

H. 106. To regulate the business of buying livestock for resale or slaughter, the business of slaughtering livestock, and the business of transporting, hauling or driving of such livestock along the public highways of Alabama for resale or slaughter; to define such dealers, slaughterers and transporters in and of such livestock; to provide for licensing such dealers or the conduct of such businesses; to protect owners or lienholders against theft or wrongful sale or removal of such livestock; to authorize the Commissioner of Agriculture and Industries with the approval of the State Board of Agriculture to prescribe reasonable rules and regulations for the conduct of such business or businesses; to provide for registering the brands or marks of livestock, to fix the duties of the Commissioner of Agriculture and Industries, and to provide penalties for the violation of this Act.

Was taken up. Mr. Hare offered the following amendment to the bill, H. 106:

Amend H. B. 106, Section 2 by substituting for the words and figures "ten dollars" the words and figures "five dollars".

Amend H. B. 106 Sect 11 by adding thereto the following "It shall be unlawful for any person to brand an animal over an old brand or mark of identification."

And the amendment was adopted.

Yeas, 67; Nays, 1.

Yeas:

Messrs.:

Austin	Haley	Moore	Shipman
Boswell	Hamner	McDermott	Sightler
Braswell	Hanks	Norman (Lowndes)	Sparks (Barbour)
Bridges	Hare	Owen (Etowah)	Sparks (Walker)
Burleson	Harrison	Owens (Madison)	Spence
Byars	Hendley	Parish (Henry)	Steele
Castleberry	Henson	Parish (Pike)	Street
Chichester	Hill	Petrey	Taylor
Connor	Johnston	Poole	Tidmore
Cox	Jones	Posey (Walker)	Todd
De Vane	Kelly	Propst	Tolbert
Lominick	Long	Reeder	Tompkins
Doster	Lusk	Reynolds	Toomer
Douglass	Matthews	Robertson (Cullman)	Wallace
Glover	Merrill	Robinson (Lowndes)	Welch
Goodwyn	Miles	Sanderson	Williams
Goolsby	Miller	Shaver	

—67

Nay: Mr. Livingston

— 1

And the bill:

H. 106. To regulate the business of buying livestock for resale or slaughter, the business of slaughtering livestock, and the business of transporting, hauling or driving of such livestock along the public highways of Alabama for resale or slaughter; to define such dealers, slaughterers and transporters in and of such livestock; to provide for licensing such dealers or the conduct of such businesses; to protect owners or lienholders against theft or wrongful sale or removal of such livestock; to authorize the Commissioner of Agriculture and Industries with the approval of the State Board of Agriculture to prescribe reasonable rules and regulations for the conduct of such business or businesses; to provide for registering the brands or marks of livestock, to fix the duties of the Commissioner of Agriculture and Industries, and to provide penalties for the violation of this Act.

As amended, was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 59; Nays, 7.

Yeas:**Messrs.:**

Mr. Speaker	Glover	Moore	Sightler
Adams	Goodwyn	Norman (Lowndes)	Sparks (Barbour)
Arnold	Haley	Owens (Madison)	Sparks (Walker)
Austin	Hamner	Parish (Henry)	Steele
Blann	Hanks	Parish (Pike)	Street
Boswell	Hare	Petrey	Taylor
Braswell	Harrison	Poole	Tidmore
Calhoun	Hendley	Posey (Walker)	Todd
Castleberry	Hill	Propst	Tompkins
Chichester	Johnston	Reid	Toomer
Cox	Jones	Reynolds	Wallace
De Vane	Long	Robertson (Cullman)	Welch
Dominick	Matthews	Robinson (Lowndes)	Whigham
Doster	Merrill	Shaver	Williams
Douglass	Miller	Shipman	

—59

Nays:**Messrs.:**

Burleson	Lee (Monroe)	Spence	Waldrep
Hollis	Livingston	Tolbert	

— 7

H. 199. To amend Section 2 of Article 2 of an Act of the Legislature of Alabama approved October 28, 1932, entitled "An Act defining contract carriers and common carriers by motor vehicle not subject to the provisions of the Alabama Motor Carrier Act of 1931; to authorize, regulate and govern the transportation for hire of persons and property on public highways by motor vehicles operated by such contract carriers and common carriers; to authorize, regulate and govern the issuance of permits therefor; to regulate and govern the rates and practices of such carriers; to provide for the payment of fees, and for the payment of excise taxes for the use of the public highways by such contract carriers and common carriers, and to provide for the disposition thereof; to enlarge the powers and duties of the Alabama Public Service Commission and Probate Judges of the State with respect to permits issued to and the regulation and control of such carriers, and to provide for the payment of fees to such Probate Judges; to provide for the appointment of resident agents (upon whom service of process may be had) of such contract carriers and common carriers who may be non-residents of the State; to authorize municipalities in this State to prescribe license taxes to be paid by such contract carriers and common carriers; to prescribe and regulate the practice and procedure before the Alabama Public Service Commission with respect to said carriers, and to authorize and prescribe appeals from rulings with respect to such carriers, and to regulate injunctions and like orders respecting the same; and to provide for the enforcement, and to prescribe punishment and penalties for the violation of this Act;" and to exempt motor vehicles while being used exclusively

for the transportation of school children and school teachers to and from school or while being used for any school purpose or any public or community purpose at the direction of or by authority of the superintendent of education having supervision over the school or schools regularly served by such motor vehicles from any license tax or registration fee as a contract carrier or common carrier or jitney bus, and to make provision for special license tags to be provided at state expense for such motor vehicles; and to exempt from the provisions of said Act approved October 28, 1932, all motor vehicles while engaged in hauling Agricultural products, Dairy products, Livestock and Forest products from any point of loading to any point of unloading, where the distance from point of loading to point of unloading is not over fifty miles measured by the route over which said products are hauled.

Was taken up. The question was on the adoption of the substitute reported by the Standing Committee on Public Roads and Highways, said committee substitute being as follows:

Committee substitute for H. 199:

A BILL

To be entitled An Act to amend Section 2 of Article 2 of an Act of the Legislature of Alabama approved October 28, 1932, entitled "An Act defining contract carriers and common carriers by motor vehicle not subject to the provisions of the Alabama Motor Carrier Act of 1931; to authorize, regulate and govern the transportation for hire of persons and property on public highways by motor vehicles operated by such contract carriers and common carriers; to authorize, regulate and govern the issuance of permits therefor; to regulate and govern the rates and practices of such carriers; to provide for the payment of fees, and for the payment of excise taxes for the use of the public highways by such contract carriers and common carriers, and to provide for the disposition thereof; to enlarge the powers and duties of the Alabama Public Service Commission and Probate Judges of the State with respect to permits issued to and the regulation and control of such carriers, and to provide for the payment of fees to such Probate Judges; to provide for the appointment of resident agents (upon whom service of process may be had) of such contract carriers and common carriers who may be non-residents of the State; to authorize municipalities in this State to prescribe license taxes to be paid by such contract carriers and common carriers; to prescribe and regulate the practice and procedure before the Alabama Service Commission with respect to said carriers, and to authorize and prescribe appeals from rulings with respect to such carriers, and to regulate

injunctions and like orders respecting the same; and to provide for the enforcement, and to prescribe punishment and penalties for the violation of this Act;" and to exempt motor vehicles while being used exclusively for the transportation of school children and school teachers to and from school or while being used for any school purpose or any public or community purpose at the direction of or by authority of the superintendent of education having supervision over the school or schools regularly served by such motor vehicles from any license tax or registration fee as a contract carrier or common carrier or jitney bus, and to make provision for special license tags to be provided at State expense for such motor vehicles; and to exempt from the provisions of said Act approved October 28, 1932, all motor vehicles while engaged exclusively in hauling Agricultural products, Dairy products, Livestock and Forest products from any point of loading to any point of unloading, where the distance from point of loading to point of unloading is not over fifty miles measured by the route over which said products are hauled.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 2 of Article 2 of the Act of the Legislature of Alabama approved October 28, 1932, entitled "An Act defining contract carriers and common carriers by motor vehicle not subject to the provisions of the Alabama Motor Carrier Act of 1931; to authorize, regulate and govern the transportation for hire of persons and property on public highways by motor vehicles operated by such contract carriers and common carriers; to authorize, regulate and govern the issuance of permits therefor; to regulate and govern the rates and practices of such carriers; to provide for the payment of fees, and for the payment of excise taxes for the use of the public highways by such contract carriers and common carriers, and to provide for the disposition thereof; to enlarge the powers and duties of the Alabama Public Service Commission and Probate Judges of the State with respect to permits issued to and the regulation and control of such carriers, and to provide for the payment of fees to such Probate Judges; to provide for the appointment of resident agents (upon whom service of process may be had) of such contract carriers and common carriers who may be non-residents of the State; to authorize municipalities in this State to prescribe license taxes to be paid by such contract carriers and common carriers; to prescribe and regulate the practice and procedure before the Alabama Public Service Commission with respect to said carriers, and to authorize and prescribe appeals from rulings with respect to such carriers, and regulate injunctions and like orders respecting the same; and to provide for the enforcement, and to prescribe punishment and penalties for the violation of this Act;" be and the same is hereby amended so as to read as follows:

"Section 2. There shall be excepted from the provisions of this Act:

1. Motor vehicles while being used exclusively for the transportation of school children and school teachers to and from school, or while being used for any school purpose or any public or community purpose at the direction of or by authority of the superintendent of education having supervision over the school or schools regularly served by such motor vehicles, and such motor vehicles, while being so used, shall be exempt from any license tax or registration fee required of a contract carrier, a common carrier, or a jitney bus. 2. Motor vehicles for hire while operating exclusively within the limits of a city or incorporated town or within the police jurisdiction thereof, or between two cities or incorporated towns whose city limits join or within the police jurisdiction thereof. 3. All motor vehicles while engaged exclusively in hauling Agricultural products, Dairy products, Livestock and Forest products from any point of loading to any point of unloading, where the distance from point of loading to point of unloading is not over fifty miles measured by the route over which said products are hauled."

Section 3. The State of Alabama shall provide at State expense a special license tag to be used on and to designate all motor vehicles used exclusively for the transportation of school children and school teachers to and from school, or while being used for any school purpose or any public or community purpose at the direction of or by authority of the superintendent of education having supervision over the school or schools regularly served by such motor vehicles. These tags shall be supplied annually upon requisition to the State Comptroller by the State Superintendent of Education, this requisition to be based upon applications for such license tags made by county and city Superintendent of education and approved by county and city boards of education, the application made by each superintendent to give the name and address of the operator of the motor vehicle on which the license tag is to be placed and to contain a certification that said motor vehicle will be used for the purpose designated in this Act.

Section 4. All laws and parts of laws in conflict herewith are hereby repealed.

Mr. Austin offered the following amendment to the substitute for H. 199:

Austin amendment to substitute for H. 199:

Amend the Substitute for House Bill No. 199, by striking therefrom Subsection 3 of Section 2, and substitute in lieu thereof the following:

3. All motor vehicles while returning from any point of unloading to any point of loading, where the distance between such points is not over fifty miles, whether such motor vehicles be on such return trip empty, or loaded with any kind, or character, of personal property.

Mr. Poole offered the following substitute for the amendment offered by Mr. Austin:

Poole amendment substitute H. 199:

Amend the Caption of H. B. 199 by striking out the words "fifty miles" where they appear in the last line thereof and insert in lieu thereof the words "one hundred miles".

Amend said H. B. 199, further, by striking out sub-division 3 of Section 2, and inserting in lieu thereof the following:

"3. All motor vehicles while engaged exclusively in hauling Agricultural products, dairy products, livestock and forest products from any point of loading to any point of unloading, where the distance from point of loading to point of unloading is not over one hundred miles measured by the route over which said products are hauled."

And the substitute offered by Mr. Poole for the amendment to the substitute offered by Mr. Austin was adopted.

Yeas, 53; Nays, 13.

Yeas:

Messrs.:

Arnold	Hanks	McDermott	Shipman
Austin	Hare	Norman (Lowndes)	Sightler
Bateman	Hendley	O'Neal	Sparks (Barbour)
Boswell	Henson	Owens (Madison)	Sparks (Walker)
Braswell	Hill	Parish (Henry)	Spence
Burleson	Johnston	Parish (Pike)	Street
Byars	Kelly	Petrey	Tidmore
Castleberry	Kirby	Poole	Todd
Cook	Livingston	Posey (Walker)	Tompkins
Cox	Matthews	Rayburn	Toomer
Davis	Merrill	Reid	Waldrep
Doster	Miller	Reynolds	Whigham
Glover	Moore	Robinson (Lowndes)	Williams
Haley			

—53

Nays:

Messrs.:

Connor	Lee (Monroe)	McGowin	Tolbert
Hamner	Long	Owen (Etowah)	Wallace
Hollis	Lusk	Propst	Welch
Jones			

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And the amendment to the substitute offered by Mr. Austin, as amended by the substitute, was adopted and the substitute, as amended, was adopted.

Yeas, 56; Nays, 8.

Yeas:**Messrs.:****Mr. Speaker**

Arnold	Dominick	Long	Robinson (Lowndes)
Bateman	Doster	Matthews	Shipman
Blann	Glover	Moore	Sightler
Braswell	Goodwyn	McDermott	Sparks (Barbour)
Burleson	Haley	McGowin	Sparks (Walker)
Byars	Hare	Norman (Lowndes)	Steele
Calhoun	Henson	Owens (Madison)	Street
Castleberry	Hill	Parish (Henry)	Tidmore
Cook	Hollis	Parish (Pike)	Todd
Cox	Johnston	Petrey	Toomer
Davis	Jones	Poole	Waldrep
Denson	Kelly	Posey (Walker)	Wallace
De Vane	Lee (Monroe)	Propst	Whigham
	Livingston	Reid	Williams

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Nays:**Messrs.:**

Connor	Merrill	Rayburn	Tolbert
Hamner	Owen (Etowah)	Spence	Welch

— 8

And the bill:

H. 199. To amend Section 2 of Article 2 of an Act of the Legislature of Alabama approved October 28, 1932, entitled "An Act defining contract carriers and common carriers by motor vehicle not subject to the provisions of the Alabama Motor Carrier Act of 1931; to authorize, regulate and govern the transportation for hire of persons and property on public highways by motor vehicles operated by such contract carriers and common carriers; to authorize, regulate and govern the issuance of permits therefor; to regulate and govern the rates and practices of such carriers; to provide for the payment of fees, and for the payment of excise taxes for the use of the public highways by such contract carriers and common carriers, and to provide for the disposition thereof; to enlarge the powers and duties of the Alabama Public Service Commission and Probate Judges of the State with respect to permits issued to and the regulation and control of such carriers, and to provide for the payment of fees to such Probate Judges; to provide for the appointment of resident agents (upon whom service of process may be had) of such contract carriers and common carriers who may be non-residents of the State; to authorize municipalities in this State to prescribe license taxes to be paid by such contract carriers and common carriers; to prescribe and regulate the practice and procedure before the Alabama Public Service Commission with respect to said carriers, and to authorize and prescribe appeals from rulings with respect to such carriers, and to regulate injunctions and like orders respecting the same; and

to provide for the enforcement, and to prescribe punishment and penalties for the violation of this Act;" and to exempt motor vehicles while being used exclusively for the transportation of school children and school teachers to and from school or while being used for any school purpose or any public or community purpose at the direction of or by authority of the superintendent of education having supervision over the school or schools regularly served by such motor vehicles from any license tax or registration fee as a contract carrier or common carrier or jitney bus, and to make provision for special license tags to be provided at state expense for such motor vehicles; and to exempt from the provisions of said Act approved October 28, 1932, all motor vehicles while engaged in hauling Agricultural products, Dairy products, Livestock and Forest products from any point of loading to any point of unloading, where the distance from point of loading to point of unloading is not over fifty miles measured by the route over which said products are hauled.

As amended by the substitute, as amended, was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 56; Nays, 8.

Yeas:

Messrs.:

Mr. Speaker	Dominick	Long	Robinson (Lowndes)
Arnold	Doster	Matthews	Shipman
Bateman	Glover	Moore	Sightler
Blann	Goodwyn	McDermott	Sparks (Barbour)
Braswell	Haley	McGowin	Sparks (Walker)
Burleson	Hare	Norman (Lowndes)	Steele
Byars	Henson	Owens (Madison)	Street
Calhoun	Hill	Parish (Henry)	Tidmore
Castleberry	Hollis	Parish (Pike)	Todd
Cook	Johnston	Petrey	Toomer
Cox	Jones	Poole	Waldrep
Davis	Kelly	Posey (Walker)	Wallace
Denson	Lee (Monroe)	Propst	Whigham
De Vane	Livingston	Reid	Williams

—56

Nays:

Messrs.:

Connor	Merrill	Rayburn	Tolbert
Hamner	Owen (Etowah)	Spence	Welch

— 8

RESOLUTION

Mr. McDermott offered the following resolution:

By Mr. McDermott:

H. R. 26. Resolved by the House, that the Clerk of the House is hereby authorized and directed to provide for the office of the

Clerk of the House a suitable vault or safe for the safeguarding of the records of the House.

The resolution was referred to the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 12:15 o'clock P. M. March 17, 1936: H. 51, H. 117, H. 151, H. 183, H. 185, H. 197, H. 205, H. 231, H. 232, H. 233, H. J. R. 25.

E. F. Taylor,
Clerk.

ADJOURNMENT

On motion of Mr. Poole the House adjourned until Wednesday, March 18, 1936, at 10 o'clock A. M.

FOURTEENTH DAY

House of Representatives,
Montgomery, Alabama.

Wednesday, March 17, 1936.

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Representative Henson of Washington County.

ROLL CALL

On a call of the roll of the House the following members answered to their names:

Messrs.:

Mr. Speaker
Adams
Almon
Arnold

Austin
Bateman
Blann
Boswell

Braswell
Bridges
Britton
Buffington

Bulger
Burleson
Byars
Carter

Castleberry	Henson	McPhaul	Shipman
Chichester	Hill	Norman (Lowndes)	Sightler
Connor	Hodges	O'Neal	Sparks (Barbour)
Cook	Hollis	Owen (Etowah)	Sparks (Walker)
Cox	Johnston	Owens (Madison)	Spence
Davis	Jones	Parish (Henry)	Staples
Delony	Kelly	Parish (Pike)	Steele
Denson	Kirby	Petrey	Street
De Vane	Langdon	Poole	Taylor
Dominick	Lee (Monroe)	Posey (Walker)	Terry
Douglass	Livingston	Propst	Tidmore
Glover	Long	Quarles	Todd
Goodwyn	Lusk	Rayburn	Tolbert
Goolsby	Matthews	Reeder	Tompkins
Haley	Merrill	Reid	Toomer
Hall	Miles	Reynolds	Waldrep
Hamner	Miller	Robertson (Cullman)	Wallace
Hanks	Moore	Robinson (Lowndes)	Welch
Hare	McDermott	Sanderson	Whigham
Harrison	McGowin	Shaver	Williams
Hendley			

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A quorum was present.

REPORT OF STANDING COMMITTEE ON REVISION OF JOURNAL

Mr. Speaker:

Your Standing Committee on the Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the House for the Thirteenth Legislative Day and finds same correct.

R. L. Tolbert,
Vice-Chairman.

The report of the Standing Committee on the Revision of the Journal was concurred in and adopted and the Journal of the House for the Thirteenth Legislative Day was approved.

INTRODUCTION OF BILLS

On a call of counties, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Mr. Staples:

H. 310. To amend Schedule Ten (10) of Section 348 of Article Eight (8), Chapter One (1) of an Act entitled "To provide for the general revenue of the State of Alabama", approved July 10, 1935.

Ways and Means.

By Messrs. Sanderson and Calhoun:

H. 311. To amend Section No. 8281 of the Code of Alabama of 1923, so as to read as follows:

Judiciary.

By Mr. Cook:

H. 312. To authorize and require the tax levied and collected under Article IX. Chapter 3 of Act No. 194 entitled "To provide for the general revenue of the State of Alabama, approved July 10, 1935" to be when collected paid into the Educational Trust Fund to be used exclusively for the payment of the salaries of the teachers of the State, and to provide penalty for violations of this Act.

Revision of Laws.

By Mr. Poole:

H. 313. A Bill to be entitled An Act to submit to the qualified electors of the State of Alabama at the general election to be held November, 1936, for their consideration an amendment to the Constitution of the State of Alabama by amending Section 138 of Article 5 of the Constitution of Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of Alabama for their consideration as hereinafter set forth, viz: that Section 138 of Article 5 of the Constitution of Alabama be amended so as to read as follows: Section 138 of Article 5. A Sheriff shall be elected in each county by the qualified electors thereof who shall hold office for a term of four years unless sooner removed, and he shall be eligible to such office as his own successor. Whenever any prisoner is taken from jail, or from the custody of any sheriff or his deputy, and put to death, or suffers grievous bodily harm, owing to the neglect, connivance, cowardice, or other grave fault of the sheriff, such sheriff may be impeached under Section 174 of this Constitution. If the sheriff be impeached, and thereupon convicted, he shall not be eligible to hold any office in this State during the time for which he had elected or appointed to serve as sheriff.

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in the State at least four consecutive weeks next preceeding the general election in November, 1936, of the election on the amendment proposed by this Act, to be submitted to the qualified electors of the State for their consideration, together with the proposed amendment.

Section 3. That at the general election in November 1936, an election shall be held by the qualified electors of the State upon the proposed amendment. Upon the ballots used at such election

shall be printed the following: Amendment to the Constitution by amending Section 138 of Article 5.—A sheriff shall be elected in each county by the qualified electors thereof who shall hold office for a term of four years unless sooner removed, and he shall be eligible to such office as his own successor. Whenever any prisoner is taken from jail or from the custody of any sheriff or his deputy, and put to death, or suffers grievous bodily harm, owing to the neglect, connivance, cowardice, or other grave fault of the sheriff, such sheriff may be impeached under Section 175 of this Constitution. If the Sheriff be impeached, and thereupon convicted, he shall not be eligible to hold any office in this State during the time for which he had been elected or appointed to serve as sheriff. Following the proposed amendment on a ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No". The choice of the elector shall be indicated by the cross mark by him opposite the word expressing his desire.

Section 4. The officers of such general election shall open a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon such proposed amendment, the votes cast thereat shall be canvassed, tabulated, and the returns thereof made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The results of such election shall be made known by proclamation of the Governor.

Section 5. Provided that at such general election the Circuit Judge or Judges of each Circuit in each County or Counties comprising their circuits, the Judge of Probate and the Circuit Court Clerk in each county or counties, or a majority of them, shall appoint at least one qualified elector and not more than two qualified electors to preserve order at each polling place, each such qualified elector to be vested with the power and authority of a Deputy Sheriff, such appointment to take the place and be in lieu of Deputy Sheriffs provided by law for other elections.

The above and foregoing bill, H. 313, proposing an amendment to the Constitution, was read one time at length and referred to the Standing Committee on Constitution and Constitutional Amendments.

By Mr. Lee (Monroe):

H. 314. To authorize the governing bodies of the counties in this State to fund or refund indebtedness of such counties outstanding on October 1, 1935, by the issuance of funding or re-

funding warrants; to provide the time within which such funding or refunding warrants shall mature and the maximum rate of interest thereon; and to provide that such interest shall be payable semi-annually and may be evidenced by coupons.

Judiciary.

By Mr. Braswell:

H. 315. To further regulate fire and casualty insurers in the State of Alabama by requiring reports of all policies issued; to provide a penalty on any member or agent of the State Tax Commission for divulging the contents of such reports to any person other than a tax officer of the State and to provide a penalty for persons failing to make such reports.

Insurance and Insurance Companies.

By Mr. Jones:

H. 316. To amend sub-section 3 of section 7407 of the Civil Code of 1923.

Judiciary.

By Mr. Welch:

H. 317. To better provide for the prosecution and suppression of crime in all counties of this State which now have according to the last federal census a population of 300,000 or more or which may hereafter have such population by any such federal census hereafter taken, requiring all solicitors, assistant solicitors, deputy solicitors and assistant deputy solicitors or any persons who prosecute for the State to devote their entire time to the study and prosecution of crime and to prohibit all such persons from practicing law other than in the discharge of their official duty.

Local Legislation No. Two.

BILLS ON SECOND READING

Mr. Welch, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. Simpson:

S. 63. To regulate the sale, transfer and possession of certain types of firearms; to provide for the licensing of dealers and owners of such firearms; to fix rules of evidence in the Courts of this State in prosecutions for violations of this Act; to prescribe penalties for the violations of any provision herein and to make uniform the law with reference thereto.

By Mr. Denson:

H. 179. To regulate school warrants, school finances, and school tax elections, to validate certain school warrants and indebtedness, and to repeal laws in conflict therewith.

By Mr. Jones (by request):

H. 256. To amend Section 7795 of the Code of Alabama of 1923, relating to the issuance by clerks and registers of executions on judgments and decrees.

By Mr. Shaver:

H. 220. To amend Section 10615, Code of Alabama of 1923.

By Mr. Jones:

H. 214. To provide that any gift, devise or bequest for any benevolent, religious, educational or charitable purpose, or to any City, County, Municipality, Corporation or Association for such purpose is void in excess of more than one-fourth of the estate where the will making such gift, devise or bequest is executed less than six months prior to the death of the testator or testatrix and husband or wife or issue or adopted child or children survive such testator or testatrix.

By Mr. Shaver:

H. 219. To amend Section 10577, Code of Alabama of 1923.

By Mr. Jones:

H. 216. To provide that any person aggrieved may upon obtaining an order from the Judge of Probate maintain an action on the official bond of an executor or administrator whose letters have been revoked and recovered to the full extent of any injury sustained by the estate or any beneficiary and the amount recovered shall be paid unto the Probate Court.

By Mr. McDermott:

H. 225. To provide that the Judge of Probate may reduce the official bond of an executor, administrator or special administrator upon good cause shown or permit a new bond to be filed in a reduced amount and discharge the surety or sureties on the old bond from liability for matters subsequent to the filing of such new bond.

Mr. Welch, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with substitute:

By Mr. Denson (with substitute):

H. 198. To further provide for annual, partial or final settlements by Administrators, Executors, Guardians and Trustees, to authorize the court having jurisdiction of any such settlements to fix, determine and allow upon such settlements the fees or compensation of such Administrators, Executors, Guardians or Trustees and to fix and allow compensation to be paid from any estate to attorneys representing any such administrators, executors, Guardians or Trustees; and to provide when any such annual or partial settlement shall be final and conclusive.

Mr. Welch, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Welch:

H. 68. To provide for and authorize the dismissal in and by the Circuit Court, of appeals to the Circuit Court from judgments of conviction rendered in any court subordinate or inferior to or lower than the Circuit Court, and to define and fix the effects and consequences of such dismissals.

Mr. Welch, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

By Mr. Taylor (with amendment):

H. 142. To fix the qualification of Circuit Judges, Courts of Record and of Judges of Inferior Courts within this State, which have been created by law, and whose jurisdiction in Civil and Criminal cases is countywide.

Mr. Delony, Chairman of the Standing Committee on Appropriations, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. Browder:

S. 90. To amend Sub-section D of Section 1 of an Act entitled: "An Act in relation to the educational system of Alabama: To make annual appropriations and provide funds for the support, maintenance and development of public education in Alabama, for the fiscal years ending September 30, 1936, 1937, 1938 and 1939, including all schools, agencies, services and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, the Alabama School of Trades & Industries, the Alabama College, the Alabama Polytechnic Insti-

tute and the University of Alabama. (Approved September 2, 1935.)"

By Mr. Browder:

S. 91. To amend, by adding Section 4½ and amending Section 5, an Act entitled: "An Act in relation to the public school system of Alabama: To make appropriations and provide funds for the support, maintenance, and development of the public school system of the State. (Approved September 2, 1935.)"

Mr. Parish (Henry), Chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Kuykendall:

S. 62. To declare the public policy of the State as to the control, elimination and prevention of increase of wet, swamp or overflow lands as affecting the public health, general welfare or public convenience or in aid of agriculture; to create each County of the State a drainage district for the purpose of this Act; to provide for the establishment and development of drainage subdistricts; to provide for or assist land owners in providing for, the prevention, elimination, or control of overflow waters, wet, swamp and overflow lands through the control of surface waters and soil erosion by means of drainage, ditching or terracing as related to said declared policy; to provide for the creation of County Boards of Drainage Commissioners; to provide general powers of the County Board of Revenue or Commissioners necessary to carry out the purposes of this Act; to provide for the assessment and collection of costs and expenses of establishing proper control of surface waters upon agricultural lands of this State; to promote, aid and assist the purposes of drainage districts organized under the "Alabama Drainage Law"; to confer the right of eminent domain to the extent necessary to carry into effect the purposes of this Act; and to provide for the repeal of laws in conflict with this Act in so far as they affect the operations of this Act.

Mr. Staples, Chairman of the Standing Committee on Banks and Banking, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Simpson:

S. 52. To amend an Act, entitled "An Act to Promote the Objects of the National Housing Act by authorizing banks, savings banks, trust companies, insurance companies and building and loan associations to make loans pursuant to Titles I and II of the

National Housing Act, and by authorizing banks, savings banks, trust companies, insurance companies, building and loan associations, to invest in mortgages insured, and in debentures issued, by the Federal Housing Administrator, and to invest in securities of National Mortgage Associations," approved January 31, 1935, as amended by an Act approved August 15, 1935, by adding thereto a section making loans insured under Title II of the National Housing Act eligible for deposit where securities must be, or may be, deposited pursuant to any law of the State of Alabama.

Mr. Glover, Chairman of the Standing Committee on Local Legislation No. One, reported, that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. Sanderson:

H. 302. To amend an Act entitled an Act, To fix the salary of the Judge of Probate in all counties in this State which may hereafter have a population of seventy-five thousand people and less than one hundred thousand people according to the last Federal census or any such census which may hereafter be taken and to regulate the payment of same; to provide for the selection of clerical help and other assistance to said Judges of Probate and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such Judge of Probate, and to provide for an election clerk to be appointed by said Judges of Probate, who shall also be ex-officio clerk of the Board of Registrars in said counties, define his duties and fix his compensation; and to require all of said Judges of Probate to pay into the County Treasury of said counties all costs, charges and courts, fees and commissions authorized by law to be collected by said Judges of Probate as other moneys belonging to said counties are paid.

By Mr. Wellborn (with notice and proof):

S. 107. To authorize and direct the Board of Revenue of Calhoun County, Alabama to pay for advertising the notice and substance of Local bills to be introduced or having been introduced in the Legislature for said County when the bill applies to the whole County.

By Mr. Owen (Madison) (with notice and proof):

H. 301. For the relief of Thomas W. Jones, formerly Probate Judge of Madison County, Alabama.

By Messrs. Almon and Burleson (with notice and proof):

H. 304. To relieve all persons in Morgan County, Alabama, of any legal obligation to work on the public roads in said Coun-

ty, or to pay any money in lieu of such obligation, to work on the public roads in Morgan County, Alabama.

By Messrs. Almon and Burleson (with notice and proof):

H. 303. To provide for the transfer of all cases pending on the docket of the inferior Court in predinct No. 19, Morgan County, Alabama, prior to June 15, 1935, to the Justice Courts in and for precinct 10 of Morgan County, Alabama; and to further provide for the issuance of writs of execution, writs of venditioni exponas and other processes on judgments rendered by the inferior Court in precinct No. 10, Morgan County, Alabama, June 15, 1935.

By Mr. Owens (Madison) (with notice and proof):

H. 182. To fix and regulate the fees of witnesses in criminal cases in the Circuit Court of Madison County, Alabama, and before the Grand Jury of said County; to provide for the presentation of claims for such fees, and to provide for the payment thereof; and to provide for the collection of witness fees and for the disposition of the same.

By Mr. Shaver (with notice and proof):

H. 201. To require two thirds of the tax now levied and collected on gasoline, Woco-Pep, or other substitutes therefor, by the Board of County Commissioners of Madison County, Alabama, under authority of an Act of the Legislature approved September 20, 1923, and amendments thereto, to be used for the purpose of creating a sinking fund for the retirement of One hundred thousand (\$100,000.00) Dollars in bonds (authorized by an election held in said County on May 9, 1921), and the payment of interest on same, to be issued by Madison County, Alabama, for the purpose of constructing and improving roads in said County; to require the County Board of Commissioners, or like governing body of said County, to set aside said funds for said purpose; to fix the date on which said payments into such sinking fund shall begin; authorizing the Board of County Commissioners, or like governing body, of said County to purchase and retire before maturity said bonds, or any portion thereof with said funds so set aside; and providing that upon final payment of said bonds with interest, and the retirement of same, all such payments into such sinking fund so created shall cease.

By Mr. Owens (Madison) (with notice and proof):

H. 202. To prohibit the furnishing by the Board of County Commissioners, or like governing body, of Madison County, Alabama, of any automobile or other conveyance, or motor fuel or oil, to any member of said Board, or governing body, for use by him

in the prosecution of his duties or employment as a member of such Board, or otherwise; and to prohibit the use of any such articles by any member of such Board, or governing body, furnished in violation of the provisions of this Act, and to fix the penalty for such violations.

Mr. Street, Chairman of the Standing Committee on Public Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Kelley:

S. 35. To declare and fix the priority of the claims of local registrars of vital statistics in the several counties in the State.

Mr. Hendley, Vice-Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the house with a favorable report:

By Mr. Robertson (Cullman):

H. 140. To amend Section 289 of the 1927 School Code of Alabama.

Mr. Hendley, Vice-Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with substitute:

By Mr. Robertson (Cullman) (with substitute):

H. 141. To amend Section 290 of the 1927 School Code of Alabama.

Mr. Welch, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report with amendment:

By Mr. Hall (with amendment):

H. 217. To create greater respect for the administration of justice by fixing certain qualifications and disqualifications as to financial interest and relationships for jurors, judges, and other judicial officers in judicial proceedings, suits and controversies in courts and judicial tribunals of Alabama before or to be decided or passed on by them.

By Mr. Rogers (Mobile) (with amendment):

S. 50. To Amend Sections Eleven (11) and Fifteen and one-half (15½) of an act "To further regulate, provide for and require bonds of county officials and employees, and clerks, deputies and employees in county offices; to prescribe and provide for the fix-

ing of the amount or amounts thereof and approving, filing and recording of such bonds; to provide for the payment of the premiums on certain of said bonds when the same are made in surety companies; to provide upon what conditions and the manner in which sureties on such bonds now in force or hereafter made may be discharged therefrom; and to provide for and prescribe the manner in which additional bonds may be required of such officials, employees, clerks, deputies and employees and in which such bonds now in force or hereafter made may be reduced and the sureties thereon discharged from liability beyond the amount of such reduced bonds and providing for the vacation of his office by the failure of such official, employee, clerk and deputy to make new or additional bonds required hereunder and for the appointment of his successor," approved April 20, 1933, and found in General and Local Acts of Alabama, Special Session 1933, pages 203-208 inclusive.

The above and foregoing bills were severally read a second time and placed on the calendar.

REPORT OF STANDING COMMITTEE ON ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Enrolled Bills reports that it has examined the following House bills, and finds same correctly enrolled, to-wit:

H. 18. To amend Article XIII, Chapter 1, Section 348, Schedule 104 of the General Revenue Law of 1935 entitled "An Act to provide for the general revenue of the State of Alabama."

Also:

H. 105. To authorize the Court of County Commissioners of Bullock County, Alabama, to replace in the Fine and Forfeiture Fund of said county, by transfer from the General Fund of said county to the Fine and Forfeiture Fund of said county, such sums of money as have been heretofore transferred from said Fine and Forfeiture Fund to the General Fund of said county.

Also:

H. 200. To Regulate and control the purchase of goods and supplies for Madison County by the Board of County Commissioners, or other like governing body of Madison County.

Also:

H. 203. To authorize the Board of County Commissioners, or such like Governing Body of Madison County, to donate and appropriate to the Public Welfare Board in said County for relief of

destitution, proceeds of the excise tax on gasoline, distributed to said County under the provisions of Article XIII, Chapter 4, of an Act of the Legislature of Alabama entitled: "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935, and to ratify and confirm such donations and appropriations heretofore made to the Public Welfare Board in said county; and to repeal all laws in conflict with this Act.

Also:

H. 237. To require the Commissioners Court of Marshall County to approve and the Treasurer of said County of Marshall to pay the cost of advertising any local legislation for Marshall County that may have the approval of the Representative of Marshall County in the Legislature.

Also:

H. 239. To amend an Act entitled, "An Act to provide for the election of a County Superintendent of Education for Marshall County, Alabama, by the qualified electors thereof: To prescribe the qualifications of said officer; to prescribe the duties of the said officer, and to fix the term and compensation of said officer" approved Feb. 17, 1931.

Dan Gullett Cook,
Chairman.

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

REPORT OF STANDING COMMITTEE ON ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed Bills begs leave to report that said committee, in session, has compared the following engrossed bills with the original bills and finds same correctly engrossed, to-wit:

H. 27. To amend Section V111 of an act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative and Judicial Departments of the State, for the inter-

est on the public debt, and for the public schools." Approved Sept. 6, 1935.

Also:

H. 99. To amend Schedule 158.5 of chapter 6, Article 13, of an act entitled "An act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

Also:

H. 100. To amend Section 9709 of the Code of Alabama of 1923 relating to transportation companies as defined therein.

Also:

H. 106. To regulate the business of buying livestock for resale or slaughter, the business of slaughtering livestock, and the business of transporting, hauling or driving of such livestock along the public highways of Alabama for resale or slaughter; to define such dealers, slaughterers and transporters in and of such livestock; to provide for licensing such dealers or the conduct of such businesses; to protect owners or lienholders against theft or wrongful sale or removal of such livestock; to authorize the Commissioner of Agriculture and Industries with the approval of the State Board of Agriculture to prescribe reasonable rules and regulations for the conduct of such business or businesses; to provide for registering the brands or marks of livestock, to fix the duties of the Commissioner of Agriculture and Industries, and to provide penalties for the violation of this Act.

Also:

H. 121. To amend an act approved March 15, 1933, to amend Section 8605 of the Code of Alabama of 1923.

Also:

H. 133. To amend Section 103 of Article 4 of an act entitled "To provide for the general revenue of the State of Alabama" approved July 10, 1935, pertaining to and providing for appeals from final assessments by the State Tax Commission.

Also:

H. 136. To amend Section 5 of an Act approved September 11, 1935, entitled "An act to adopt for the State of Alabama the provisions of the Wagner-Peyser Act; to designate the State Department of Labor, when created, as the agency of the State for the purposes of such Act, and to make an appropriation therefor."

Also:

H. 137. To Amend Section 360 of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935 and known as House Bill 324.

Also:

H. 148. To amend Section 178 of Article 6 of an act entitled, "An act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

Also:

H. 158. To Amend Section 276 of an Act entitled "an act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

H. 178. To amend Schedule 158 of Chapter 6, Article 13 of "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

Also:

H. 199. To amend Section 2 of Article 2 of an Act of the Legislature of Alabama approved October 28, 1932, entitled "An Act defining contract carriers and common carriers by motor vehicle not subject to the provisions of the Alabama Motor Carrier Act of 1931; to authorize, regulate and govern the transportation for hire of persons and property on public highways by motor vehicles operated by such contract carriers and common carriers; to authorize, regulate and govern the issuance of permits therefor; to regulate and govern the rates and practices of such carriers; to provide for the payment of fees, and for the payment of excise taxes for the use of the public highways by such contract carriers and common carriers, and to provide for the disposition thereof; to enlarge the powers and duties of the Alabama Public Service Commission and Probate Judges of the State with respect to permits issued to and the regulation and control of such carriers, and to provide for the payment of fees to such Probate Judges; to provide for the appointment of resident agents (upon whom service of process may be had) of such contract carriers and common carriers who may be non-residents of the State; to authorize municipalities in this State to prescribe license taxes to be paid by such contract carriers and common carriers; to prescribe and regulate the practice and procedure before the Alabama Public Service Commission with respect to said carriers, and to authorize and prescribe appeals from rulings with respect to such carriers, and to regulate injunctions and like orders respecting the same; and to provide for the enforcement, and to prescribe punishment and penalties for the violation of this Act;" and to exempt motor vehicles while being used exclusively for the transportation of school children and school teachers to and from school or while being used for any school purpose or any public or community purpose at the direction of or by authority of the superintendent of education having supervision over the school or schools regularly served by such motor vehicles from any license tax or registration fee as a contract carrier or common carrier or jitney bus, and to make pro-

vision for special license tags to be provided at State expense for such motor vehicles; and to exempt from the provisions of said Act approved October 28, 1932, all motor vehicles while engaged exclusively in hauling Agricultural products, Dairy products, Livestock and Forest products from any point of loading to any point of unloading, where the distance from point of loading to point of unloading is not over one hundred miles measured by the route over which said products are hauled.

Also:

H. 204. To amend the title, and section 10, and section 16, and section 17, and to repeal section 11 of an act approved September 14, 1935, Entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such funds; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such commission; to accept the benefit of an Act of Congress, approved June 6, 1933, Entitled "An Act to provide for the establishment of a National employment system and for cooperation with the states in the promotion of such system and for other purposes", to provide for the creation of An Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this act; to establish an unemployment administration fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this act." (1935 Acts, Page 950).

M. P. Kelly,
Chairman.

The report of the Standing Committee on Engrossed Bills was concurred in and adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 25. To amend Section 291 of an act entitled, "An Act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

Also:

H. 61. To authorize and empower the Board of Revenue or Court of County Commissioners or other governing body of each and every county in Alabama to expend an amount not to exceed one-third of the total amount that may be received by each county from the levy and collection of any tax on gasoline in the payment of any debt that may have been heretofore incurred by such county for the construction and/or maintenance of roads or bridges, and to ratify any such expenditure heretofore made.

Also:

H. 111. To make appropriation of Two Hundred Thousand Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to defray the expenses of the present session of the Legislature.

Also:

H. 60. To amend subsection 46 of Section 4556 of the code of Alabama of 1923.

Also:

H. 66. To amend an Act entitled An Act to amend Section 5742 of the Code of Alabama of 1923, approved July 23, 1931.

Also:

H. 71. To repeal Sections 8653, 8654, 8655, 8656, 8657, and 8658 of the 1923 Code of Alabama.

Also:

H. 110. To amend Section 3759 of the Code of Alabama of 1923 relating to Solicitor's fees for convictions in misdemeanor cases in County Courts and Inferior Courts, so as to read as follows:

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following bills and ordered same sent forthwith to the House without engrossment:

By Mr. Stephens:

S. 82. To amend the title, and section 10, and section 16, and section 17, and to repeal section 11 of an act approved September 14, 1935, Entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such commission; to accept the benefit of an Act of Congress, approved June 6, 1933, Entitled "An Act to provide for the establishment of a National employment system and for cooperation with the states in the promotion of such system and for other purposes," to provide for the creation of An Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this act; to establish an unemployment administration fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this act." (1935 Acts, Page 950).

Also:

By Mr. Walden:

S. 102. To accept the provisions of an Act by the Congress of the United States, approved February 29, 1936, and generally known as the Soil Conservation and Domestic Allotment Act; to provide for the State of Alabama to qualify for all the purposes and benefits as specified in said Act; to authorize the State to make such plans as are necessary for carrying out the purposes of the Act; and to designate the Extension Service of the Alabama Polytechnic Institute as the agency of the State to administer said Act.

Also:

By Mr. McDowell:

S. 76. To further provide for and regulate annual, partial or final settlements by Administrators, Executors, Guardians and Trustees, to authorize the court having jurisdiction of any such settlement to fix, determine and allow upon such settlements the fees or compensation of such Administrators, Executors, Guar-

dians or Trustees and to fix and allow compensation to be paid from any estate to attorneys representing any such administrators, executors, Guardians or Trustees; and to provide when any such annual or partial settement shall be final and conclusive.

Also:

By Mr. Mooneyham:

S. 115. To amend Schedue 93½ of Section 348 of Article 13, Chapter 3, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Also:

By Mr. Simpson:

S. 98. To amend Section Eleven (11) of an Act of the Legislature of 1931, approved February 25, 1931, and entitled "An Act to provide for and regulate and control primary elections for the nomination by political parties of candidates for public office within the State of Alabama" and to repeal all laws in conflict with such Section as amended.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate standing committees as follows:

Judiciary—S. 82, S. 76.

Agriculture—S. 102.

Ways and Means—S. 115.

Privileges and Elections—S. 98.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown, and, as amended, has passed the following House bills, and returns same herewith to the House:

H. 24. To amend an act entitled, "An act to amend Section 269 of an act entitled 'An act to provide for the general revenue of the State of Alabama' approved July 10th, 1935", approved September 4th, 1935.

Also:

H. 39. To amend Section 6667 of the Code of Alabama of 1923, so as to provide that the Circuit Courts of the several coun-

ties of the State shall be open for the transaction of business at all times.

Also:

H. 104. To amend section 8605 of the Code of Alabama 1923.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Chichester, the House concurred in and adopted the Senate amendment to the bill, H. 24, said Senate amendment being as follows:

Amend H. B. 24 by striking therefrom Section (c) and substituting therefor Sect. (c) to read as follows:

(c) Any party having a right to redeem said property, his agents or attorney, shall have the right to file a written protest with the Court of County Commissioners or like governing body of the County, and to the State Tax Agent objecting to the valuation of said land as placed on said property by the Tax Assessor as provided for under subsection (b) of this section, setting forth his ground of objection to the assessed value of said property as fixed by said Tax Assessor, and the Court of County Commissioners or like governing body shall, thereafter, fix a day for hearing said protest by giving to the Tax Assessor and party desiring to redeem, his agents or attorney, at least ten days written notice of the day and place of hearing said petition, and upon the hearing of said cause, the Court of County Commissioners or like governing body shall have the right to review the assessed value of said property as fixed by the Tax Assessor, and shall fix and determine the assessed value for each of the years for which taxes are due subsequent to the year for which such land was sold to the State for taxes, as provided for under sub-section (b) of this act, and the Court of County Commissioners or like governing body shall certify to the probate judge the assessed value of said land so fixed.

Yeas, 78; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker
Adams
Almon
Arnold
Austin
Blann
Boswell
Braswell
Britton

Buffington
Burleson
Byars
Carter
Castleberry
Chichester
Connor
Cook
Cox

Davis
Delony
Denson
Dominick
Douglass
Glover
Goodwyn
Goolsby
Haley

Hamner
Hanks
Hendley
Henson
Hill
Hodges
Hollis
Johnston
Jones

Kelly	McGowin	Robinson (Lowndes)	Terry
Lee (Bullock)	McPhaul	Shaver	Tidmore
Lee (Monroe)	O'Neal	Shipman	Todd
Livingston	Owen (Etowah)	Sightler	Tolbert
Long	Owens (Madison)	Sparks (Barbour)	Tompkins
Lusk	Parish (Henry)	Sparks (Walker)	Toomer
Matthews	Parish (Pike)	Spence	Waldrep
Merrill	Reeder	Staples	Wallace
Miles	Reid	Steele	Welch
Miller	Reynolds	Taylor	Whigham
Moore	Robertson (Cullman)		

—78

On motion of Mr. Denson the House concurred in and adopted the Senate amendment to the bill, H. 39, said Senate amendment being as follows:

Committee substitute for H. 39:

A BILL

To be entitled an Act to amend Section 6667 of the 1923 Code of Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 6667 be amended so as to read as follows:

"6667. Circuit Courts when open.—The Circuit Courts of the several Counties of the State shall be open for the transaction of any and all business, or judicial proceedings of every kind, at all times."

Section 2. That all laws and parts of laws, general and local in conflict herewith are hereby repealed.

Section 3. This Act shall take effect immediately upon its approval by the Governor.

Yeas, 76; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Connor	Hodges	McPhaul
Adams	Cox	Hollis	Norman (Lowndes)
Almon	Delony	Johnston	O'Neal
Arnold	Denson	Jones	Owens (Madison)
Austin	Dominick	Kelly	Parish (Henry)
Bateman	Douglass	Kirby	Parish (Pike)
Blann	Glover	Langdon	Petrey
Boswell	Goodwyn	Lee (Monroe)	Propst
Braswell	Goolsby	Livingston	Quarles
Bridges	Haley	Long	Reeder
Britton	Hamner	Lusk	Reid
Burleson	Hanks	Matthews	Reynolds
Byars	Hare	Merrill	Robertson (Cullman)
Carter	Hendley	Miller	Robinson (Lowndes)
Castleberry	Henson	Moore	Shipman
Chichester	Hill	McGowin	Sightler

Sparks (Barbour)	Steele	Todd	Waldrep
Sparks (Walker)	Terry	Tolbert	Wallace
Spence	Tidmore	Tompkins	Welch

—76

On motion of Mr. Davis the House concurred in and adopted the Senate amendment to the bill, H. 104, said Senate amendment being as follows:

Amend H. B. 104 by adding at end of Sec. 1 the following:

Radio Broadcasting engineers and announcers when engaged in the regular performance of their duties.

Yeas, 70; Nays, 2.

Yeas:

Messrs.:

Mr. Speaker	Douglass	Livingston	Robertson (Cullman)
Almon	Glover	Long	Robinson (Lowndes)
Austin	Goodwyn	Lusk	Shipman
Blann	Goolsby	Matthews	Sightler
Boswell	Haley	Merrill	Sparks (Walker)
Britton	Hamner	Miles	Spence
Buffington	Hanks	McGowin	Staples
Byars	Hare	McPhaul	Steele
Carter	Hendley	Norman (Lowndes)	Tidmore
Castleberry	Henson	O'Neal	Todd
Chichester	Hill	Owens (Madison)	Tolbert
Connor	Hodges	Parish (Henry)	Tompkins
Cox	Hollis	Parish (Pike)	Waldrep
Davis	Johnston	Petrey	Wallace
Delony	Jones	Propst	Welch
Denson	Kelly	Quarles	Whigham
De Vane	Langdon	Reynolds	Williams
Dominick	Lee (Monroe)		

—70

Nays: Messrs. Moore and Reid

— 2

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown, and, as amended, has passed the following House bill, and returns same herewith to the House:

H. 109. To provide for the revision, codification, digesting and promulgation of the public statutes of this State.

J. E. Speight.
Secretary.

SENATE MESSAGE

On motion of Mr. Welch the House non-concurred in the Senate amendment to the bill, H. 109, said Senate amendment being as follows:

Committee substitute for House bill 109:

A BILL

To be entitled an Act to provide for the publication of a Code of Alabama and to provide for the appointing of a committee to contract for the compilation, codification, annotating, indexing, printing, binding, and distributing of the public statutes of the State of Alabama of a general and permanent nature, and to provide for necessary appropriations therefor.

Be it Enacted by the Legislature of Alabama:

Section 1. That there is hereby created a committee of three members consisting of the Governor of Alabama, one member of the Senate of 1936, to be appointed by the President of the Senate, and one member of the House of Representatives of 1936, to be appointed by the Speaker of the House, which committee is hereby authorized, empowered, and directed to employ a law publishing house with an editorial staff trained in the compiling and annotating of state statutes, whose duty it shall be, under the supervision of the said committee, to compile, codify, annotate, and index all of the statutes of the State of Alabama of a general and permanent nature, including all such acts as may be passed by this Legislature.

Section 2. The arrangement, classification, and section numbers of said code are to follow in so far as possible the code of 1923, and, in so far as possible, followed by all former section numbers as set out in the Code of 1923. The annotations are to be the constructions of all state statutes and code sections passed on by the supreme and appeals courts. The index shall be accurate, full, complete, and comprehensive and which shall contain an alphabetical arrangement of all the various subjects contained in such code. Said code shall contain a table or tables of the numbers of the sections of all the codes of this State which refer to or embrace the same or like subject matter.

Section 3. The said code shall be prefixed with the Constitution of 1875 and the Constitution of 1901 with all amendments and with all constructions by the supreme and appeals courts to each section of the Constitution of 1901. Also the Constitution of the United States with all amendments shall be set out.

Section 4. That all details such as format, paper, number of volumes and binding shall be left to the discretion of said committee.

Section 5. Said code shall be known as the Alabama Code of 1936, and shall be distributed immediately upon publication according to law.

Section 6. Said committee shall protect the State of Alabama in the sale and distribution of said code.

Section 7. The said committee is hereby authorized and directed to enter into a written contract with a law publishing house having an editorial staff trained in the compiling and annotating of state statutes for the compiling, codifying, annotating and indexing of all the statutes of a general and permanent nature in force in the State of Alabama at the close of the 1936 Extraordinary session of the Legislature and to purchase from said person, firm, or corporation such number of sets of said code, as may be in the discretion of the committee advisable; provided, however, that such contract price for such number of codes as may be purchased by said committee, shall not exceed the sum of \$60,000.

Section 8. It shall be the duty of said committee to see that all proof is carefully read so that same shall be an exact copy of the laws of Alabama, and said Committee is hereby empowered and directed to employ a competent person to read said proof and shall pay said proof reader, what, in their opinion, is fair compensation for reading said proof, said compensation not to exceed one thousand (\$1,000.00) dollars.

Section 9. The Senate and House members on said committee shall receive their traveling expenses going to and returning from any and all meetings of said Committee, and a per diem of ten (\$10.00) dollars for each day's attendance at any and all regular meetings called by the chairman of said Committee. In no event are the traveling expenses and per diem for both Senate and House members to exceed one thousand (\$1,000.00) dollars.

Section 10. The necessary sum of money to carry out the provisions of this act is hereby appropriated out of the funds of the State Treasury not otherwise appropriated, and shall be paid by the Treasurer upon certificate of the Chairman of the Committee.

Section 11. All laws and parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Section 12. This act shall take effect immediately upon its approval by the Governor.

And requested a Committee of Conference. The Speaker appointed as conferees on part of the House Messrs. Welch, Lusk and Sparks (Barbour).

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate bill, your signature thereto is requested:

S. 81. To Amend an Act approved September 13, 1935, entitled 'An Act to Amend Section 28 of an Act entitled "An Act to

create a pilotage commission; to define its jurisdiction, powers, and duties; to regulate pilots and pilotage, and to fix fees therefor; to prescribe the mode, penalties, and procedure for violation of this Act; and to repeal all laws in conflict therewith," approved March 4, 1931' "

J. E. Speight,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing Message from the Senate.

RESOLUTIONS

Mr. Harrison offered the following resolution:

By Mr. Harrison:

H. R. 27. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, that the following questions be propounded to the Supreme Court of the State of Alabama touching pending legislation.

1st. The call of the Governor for the convening of the present extraordinary session of the Legislature contained the following:

"To provide sufficient revenue for the running of the schools and to enable the State, County and City governments to function adequately."

2nd. Does the attached bill, as a substitute for House Bill 21, now on the calendar of the House come within the Governor's call as set out above? Copy of said call is hereto attached.

3rd. Does Section 29 of said Substitute violate any provision of the Constitution, and would the law become effective if passed by the Legislature regardless of the outcome of the referendum provided in said Section 29 and the preceding Sections 28, 27, 26 and 25?

4th. Is Substitute for House Bill No. 180, copy of which is hereto attached, within the call of the Governor?

5th. Does the same provision or similar provisions of Substitute for House Bill No. 180 now pending copy of which is hereto attached, render said bill violative of any constitutional inhibition?

This Resolution is passed and this request is made by the House of Representatives for an opinion under Section 10280 et

seq. as amended, Code of Alabama of 1923.

On motion of Mr. Harrison the rules were suspended and the resolution, H. R. 27, was adopted.

Mr. Kelly offered the following joint resolution:

By Mr. Kelly:

H. J. R. 28. Be it resolved by the House of Representatives, the Senate concurring, that when the two Houses adjourn today, they adjourn to meet at 10 A. M. Friday, March the 20th.

On motion of Mr. Kelly the rules were suspended and the resolution, H. J. R. 28, was adopted.

MESSAGE FROM THE GOVERNOR

The House received the following Message from His Excellency, the Governor:

"To the House of Representatives,
Montgomery, Alabama.
Gentlemen:

I am returning herewith to the House of Representatives, the body in which it originated, House Bill No. 95 without my approval.

I suggest the following executive amendment which, if adopted, will meet my objection to the bill:

Add to Section 1 of said Bill the following:

"Such payment to be made from funds now in the Treasury as the result of the sale of refunding bonds of the State of Alabama issued for the purpose of refunding the warrant refunding bonds, as provided for by an Act of the Legislature, approved February 8, 1935".

Respectfully submitted,

BIBB GRAVES,

Governor.

March 18, 1936."

GOVERNOR'S MESSAGE

The House proceeded to the consideration of the Message from His Excellency, the Governor, proposing an amendment to the bill H. 95, said amendment of the Governor being set out in the above and foregoing Message from the Governor.

And the House concurred in and adopted the amendment proposed by the Governor by a vote of Yeas 90, Nays 0, which was a majority of the whole number elected to the House.

Yeas:

Messrs.:

Mr. Speaker

Adams

Almon

Arnold

Austin

Bateman

Blann

Boswell

Braswell

Bridges

Britton

Burleson

Byars

Carter

Castleberry

Chichester

Connor

Cook

Cox

Davis

Delony	Johnston	Parish (Henry)	Sparks (Walker)
Denson	Jones	Parish (Pike)	Spence
De Vane	Kelly	Petrey	Staples
Dominick	Langdon	Poole	Steele
Douglass	Livingston	Posey (Walker)	Street
Glover	Long	Propst	Taylor
Goodwyn	Lusk	Quarles	Terry
Goolsby	Matthews	Reeder	Tidmore
Haley	Merrill	Reid	Todd
Hamner	Miles	Reynolds	Tolbert
Hanks	Miller	Robertson (Cullman)	Tompkins
Hare	Moore	Robinson (Lowndes)	Toomer
Harrison	McDermott	Sanderson	Waldrep
Hendley	McGowin	Shaver	Wallace
Henson	McPhaul	Shipman	Welch
Hill	O'Neal	Sightler	Whigham
Hodges	Owen (Etowah)	Sparks (Barbour)	Williams
Hollis	Owens (Madison)		

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And the bill:

H. 95. To authorize and empower the State Treasurer to pay to the owners of warrant refunding bonds issued under the authority of the Constitutional Amendment known as "The Debt Refunding Amendment, Act No. 179, passed April 14, 1933, Acts 1933, p. 196, and under the authority of Act No. 177, approved April 17, 1933, authorizing the issuance of such bonds pursuant to the authority of such Constitutional Amendment, the amount of such bonds with interest through July 1, 1935, when the bonds belonging to such owners have been lost, stolen or destroyed; to provide the method of such payment; to provide the proof of such loss and to provide for indemnifying the State Treasurer for such payment and to provide punishment for any false statement in connection therewith.

As amended by the amendment proposed by the Governor, was again read a third time at length and passed by a vote of Yeas, 90; Nays, 0, which was a majority of the whole number elected to the House:

Yeas:

Messrs.:

Mr. Speaker	Byars	Douglass	Hodges
Adams	Carter	Glover	Hollis
Almon	Castleberry	Goodwyn	Johnston
Arnold	Chichester	Goolsby	Jones
Austin	Connor	Haley	Kelly
Bateman	Cook	Hamner	Langdon
Blann	Cox	Hanks	Livingston
Boswell	Davis	Hare	Long
Braswell	Delony	Harrison	Lusk
Bridges	Denson	Hendley	Matthews
Britton	De Vane	Henson	Merrill
Burleson	Dominick	Hill	Miles

Miller	Poole	Shipman	Tidmore
Moore	Posey (Walker)	Sightler	Todd
McDermott	Propst	Sparks (Barbour)	Tolbert
McGowin	Quarles	Sparks (Walker)	Tompkins
McPhaul	Reeder	Spence	Toomer
O'Neal	Reid	Staples	Waldrep
Owen (Etowah)	Reynolds	Steele	Wallace
Owens (Madison)	Robertson (Cullman)	Street	Welch
Parish (Henry)	Robinson (Lowndes)	Taylor	Whigham
Parish (Pike)	Sanderson	Terry	Williams
Petrey	Shaver		

—90

On motion of Mr. Harrison the House resolved itself into a Committee of the Whole for the consideration of H. 180, H. 21 and other measures relating to the general revenue. Speaker Walker, under rules of the House, appointed Representative Robertson (Cullman) as chairman of the Committee of the Whole.

COMMITTEE OF THE WHOLE

The Committee of the Whole, with Representative Robertson (Cullman) presiding, considered H. 180, H. 21 and other measures relating to the general revenue of the State of Alabama.

On motion of Mr. Harrison the Committee of the Whole voted to report progress to the House and to ask for further time.

RECONVENING OF HOUSE

The House was called to order by Speaker Walker. Representative Robertson (Cullman), Chairman of the Committee of the Whole, reported that the Committee had considered various measures relating to the general revenue and desired further time, which was granted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following bill and ordered same sent forthwith to the House without engrossment:
By Mr. Walton:

S. 94. To further regulate absentee voting.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bill, S. 94, the title to which is set out in the above and foregoing Message from the Senate, was read one time and referred to the Standing Committee on Privileges and Elections.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following resolution:
By Mr. Cook:

S. R. 30. WHEREAS, Senate Bill No. 98 was passed by the Senate on March 17, 1936; and

WHEREAS, Said bill has passed out of the Senate and is now in the House of Representatives; and

WHEREAS, The Senate desires that said bill be returned to the Senate.

THEREFORE, be it resolved by the Senate that the Senate does now hereby request the House of Representatives to return to the Senate Senate Bill No. 98, for such other and further action as the Senate may determine.

And requests the House to return to it for further action the bill:

S. 98. To amend Section Eleven (11) of an Act of the Legislature of 1931, approved February 25, 1931, and entitled "An Act to provide for and regulate and control primary elections for the nomination by political parties of candidates for public office within the State of Alabama" and to repeal all laws in conflict with such Section as amended.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Harrison the House acceded to the request of the Senate for the return of S. 98 for further consideration, said Senate request being set out in the above and foregoing Message from the Senate and the Clerk of the House was directed to return S. 98 to the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

H. 95. To authorize and empower the State Treasurer to pay to the owners of warrant refunding bonds issued under the authority of the Constitutional Amendment known as "The Debt Refunding Amendment, Act No. 179, passed April 14, 1933, Acts 1933, p. 196, and under the authority of Act No. 177, approved April 17, 1933, authorizing the issuance of such bonds pursuant to the au-

thority of such Constitutional Amendment, the amount of such bonds with interest through July 1, 1935, when the bonds belonging to such owners have been lost, stolen or destroyed; to provide the method of such payment; to provide the proof of such loss and to provide for indemnifying the State Treasurer for such payment and to provide punishment for any false statement in connection therewith.

By a vote of a majority of the whole number elected to the Senate; said vote being: Yeas, 29; Nays, 0.

And said bill, H. 95, as thus amended by the amendment of His Excellency, The Governor, was again read a third time and passed by a vote of a majority of the whole number elected to the Senate; said vote being: Yeas, 29; Nays, 0.

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in the resolution:

H. J. R. 28. Relative to adjournment of the two houses until Friday, March 20th, 1936, at 10 A.M.

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate accedes to the request of the House for a Committee of Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 109. To provide for the revision, codification, digesting and promulgation of the public statutes of this State.

And the President of the Senate has named as a Committee on part of the Senate Messrs. Woodall, Walton and Kelly.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has received the accompanying message from His Excellency, the Governor, with his objections and proposed amendment to the bill:

S. 45. To authorize, permit and empower the Court of County Commissioners of Cherokee County, Alabama, or any like governing body of said County to appropriate ten (10%) per centum of all funds derived from the excise tax on gasoline or other liquid motor fuels, heretofore levied or that may hereafter be collected by the State of Alabama, and paid to the several Counties of this State, coming to the Legislature of Alabama, such appropriation to be paid monthly into the General Funds of Cherokee County, Alabama, and to be used in the payment of any and all claims payable out of the General Funds of Cherokee County, Alabama, and to continue such appropriation until October 1st, 1938, for the use and benefit of the General Funds of Cherokee County, Alabama; to repeal all laws or parts of laws in conflict with the provisions of this Act, and to provide when the provisions of this Act shall go into effect.

Said Governor's message being in the following words and figures, to-wit:

To the Senate of Alabama,

Montgomery, Alabama.

Gentlemen:

I am returning herewith to you, the body in which it originated, Senate Bill No. 45 without my approval.

I suggest the following executive amendment, which, if adopted, will cure what seems to me to be the defects in the bill:

Strike from the title of the bill the following words where they occur together wherein:

"coming to the Legislature of Alabama."

Respectfully,

Bibb Graves,
Governor.

March 18, 1936.

And the Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to said bill, S. 45, by a majority of the whole number elected to the Senate; said vote being: Yeas, 27; Nays, 0.

And said bill, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the Senate; said vote being: Yeas, 26; Nays, 0

And sends same herewith to the House for its consideration.

J. E. Speight,
Secretary.

SENATE MESSAGE

The House proceeded to the consideration of the Message of His Excellency, the Governor, proposing an amendment to the bill, S. 45, said amendment of the Governor being set out in the above and foregoing Message from the Senate.

And the House concurred in and adopted the amendment of His Excellency, the Governor, to the bill, S. 45, by vote of: Yeas, 66; Nays, 0, which was a majority of the whole number elected to the House:

*Yeas:**Messrs.:*

Mr. Speaker	Cox	Kirby	Shaver
Adams	Davis	Langdon	Sightler
Almon	Delony	Lee (Monroe)	Spence
Arnold	Denson	Livingston	Staples
Austin	De Vane	Long	Steele
Blann	Dominick	Lusk	Street
Boswell	Douglass	Merrill	Taylor
Braswell	Glover	Miles	Terry
Bridges	Haley	Miller	Todd
Britton	Hall	Moore	Tolbert
Buffington	Hanks	O'Neal	Toomer
Bulger	Hare	Petrey	Waldrep
Burleson	Hill	Poole	Wallace
Byars	Hodges	Propst	Welch
Carter	Hollis	Reeder	Whigham
Connor	Jones	Reid	Williams
Cook	Kelly		

—66

And the bill, S. 45, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of Yeas, 66; Nays, 0, which was a majority of the whole number elected to the House:

*Yeas:**Messrs.:*

Mr. Speaker	Cox	Kirby	Shaver
Adams	Davis	Langdon	Sightler
Almon	Delony	Lee (Monroe)	Spence
Arnold	Denson	Livingston	Staples
Austin	De Vane	Long	Steele
Blann	Dominick	Lusk	Street
Boswell	Douglass	Merrill	Taylor
Braswell	Glover	Miles	Terry
Bridges	Haley	Miller	Todd
Britton	Hall	Moore	Tolbert
Buffington	Hanks	O'Neal	Toomer
Bulger	Hare	Petrey	Waldrep
Burleson	Hill	Propst	Wallace
Byars	Hodges	Poole	Welch
Carter	Hollis	Reeder	Whigham
Connor	Jones	Reid	Williams
Cook	Kelly		

—66

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown, and, as amended, has passed the following House bill, and returns same herewith to the House:

H. 175. To amend Section 3 of an Act entitled "An Act to provide for the election of County Superintendent of Education for Limestone County, Alabama, to fix his term of office, to prescribe his salary and the manner of payment, to define his qualifications, powers and duties, and to provide for his successor in office", by providing an expense allowance to said Superintendent of Education.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Speaker Walker, the House concurred in and adopted the Senate amendment to the bill, H. 175, said Senate amendment being as follows:

Substitute for H. 175:

A BILL

To be entitled An Act to amend Section 3 of an Act entitled "An Act to provide for the election of County Superintendent of Education for Limestone County, Alabama, to fix his term of office, to prescribe his salary and the manner of payment, to define his qualifications, powers and duties, and to provide for his successor in office", approved June 21, 1931 by providing an expense allowance to said Superintendent of Education.

Be it enacted by the Legislature of Alabama:

That Section 3 of an Act entitled "An Act to provide for the election of County Superintendent of Education for Limestone County, Alabama, to fix his term of office, to prescribe his salary and the manner of payment, to define his qualifications, powers and duties, and to provide for his successor in office" be and the same is hereby amended to read as follows:

"Section 3. That the salary of said County Superintendent of Education shall be fixed by the County Board of Education of Limestone County, Alabama, which salary shall not be less than \$2,000.00 nor more than \$3,000.00 per annum, and which salary shall be paid in the same way and manner as now provided under the general laws of the State of Alabama, for the payment of

County Superintendents of Education in the several counties of the state. That on and after January 12, 1937, said Superintendent of Education shall be allowed for traveling expenses incurred in the actual performance of his official duties a sum not to exceed Three Hundred Dollars per annum, which expense account shall be audited and approved by the County Board of Education, monthly, before the same is paid. Said expense allowance shall be paid in the same way and manner as the salary of said Superintendent of Education of Limestone County."

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Denson	Miles	Sightler
Adams	Glover	Miller	Spence
Almon	Haley	Moore	Staples
Arnold	Hall	McGowin	Steele
Austin	Hanks	McPhaul	Street
Blann	Hare	O'Neal	Taylor
Boswell	Hill	Petrey	Terry
Bridges	Hodges	Poole	Todd
Britton	Hollis	Propst	Tolbert
Bulger	Jones	Quarles	Tompkins
Burleson	Kelly	Rayburn	Toomer
Byars	Kirby	Reeder	Waldrep
Carter	Langdon	Reid	Wallace
Cook	Lee (Monroe)	Reynolds	Welch
Cox	Livingston	Shaver	Whigham
Davis	Long	Shipman	Williams
Delony	Lusk		

—66

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 12:34 o'clock P.M. March 18, 1936. H. 18, H. 105, H. 200, H. 203, H. 237, H. 239.

E. F. Taylor,
Clerk.

ADJOURNMENT

On motion of Mr. Welch the House adjourned until Friday, March 20, 1936, at 10 o'clock A.M.

FIFTEENTH DAY

House of Representatives,

Friday, March 20, 1936,

Montgomery, Alabama.

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. J. W. Reinhardt, Pastor, North Montgomery Methodist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House the following members answered to their names:

Messrs.:			
Mr. Speaker	Doster	Lusk	Robertson (Cullman)
Adams	Douglass	Matthews	Robinson (Lowndes)
Arnold	Glover	Merrill	Sanderson
Austin	Goodwyn	Miles	Sanford
Bateman	Goolsby	Miller	Shaver
Blann	Hall	Moore	Shipman
Boswell	Hamner	McDermott	Sightler
Braswell	Hanks	McGowin	Sparks (Barbour)
Bridges	Hare	McPhaul	Sparks (Walker)
Britton	Harrison	Norman (Lowndes)	Spence
Buffington	Hendley	Owen (Etowah)	Staples
Byars	Henson	Owens (Madison)	Steele
Calhoun	Hill	Parish (Henry)	Street
Carter	Hodges	Parish (Pike)	Taylor
Castleberry	Hollis	Petrey	Terry
Chichester	Johnston	Poole	Tidmore
Connor	Jones	Posey (Walker)	Todd
Cook	Kelly	Posey (Winston)	Tolbert
Cox	Kirby	Propst	Tompkins
Davis	Langdon	Quarles	Toomer
Delony	Lee (Bullock)	Rayburn	Waldrep
Denson	Lee (Monroe)	Reeder	Wallace
De Vane	Livingston	Reid	Welch
Dominick	Long	Reynolds	Whigham

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A quorum was present.

REPORT OF STANDING COMMITTEE ON REVISION OF
JOURNAL

Mr. Speaker:

Your Standing Committee on the Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the House for the Fourteenth Legislative Day and finds same correct.

R. L. Tolbert,
Vice-Chairman.

The report of the Standing Committee on the Revision of the Journal was adopted and the Journal of the House for the Fourteenth Legislative Day was approved.

INTRODUCTION OF BILLS

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committees as follows: By Mr. Braswell (with notice and proof):

H. 318. To provide that the per diem compensation of members of the Court of County Commissioners of Coffee County, Alabama, be allowed and paid out of the gasoline excise tax funds of the County instead of out of the general funds of the County as now provided by law, and to repeal all laws in conflict with this Act.

Local Legislation No. One.

Notice and proof H. 318:

NOTICE OF LOCAL LAW FOR COFFEE COUNTY

Notice is hereby given that a Bill will be introduced at the present Special Session of the Legislature of Alabama for a local law for Coffee County, Alabama, providing, in substance, that members of the Court of County Commissioners be paid their per diem compensation as now provided by law out of the gasoline excise tax funds of Coffee County, Alabama, instead of paying the same out of the general funds of said County, and for the repeal of all laws in conflict with said proposed local law, and providing that said law take effect immediately upon its approval by the Governor.

W. C. BRASWELL,
Representative.

f20-27.m5-12.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
COFFEE COUNTY.

Before me, a Notary Public in and for said State and County, personally appeared R. C. Bryon, who states on oath that he is the Publisher of THE ELBA CLIPPER, a newspaper published weekly at Elba, Alabama, in said

County and State, and that the Notice hereto attached was published in said newspaper for a period of Four consecutive weeks on the following dates, to-wit: February 20, 1936; February 27, 1936; March 5, 1936; March 12, 1936.

R. C. BRYAN,
Publisher.

Sworn to and subscribed before me, on this the 14 day of March, 1936.

T. D. KENDRICK,
Notary Public.

(Seal)

By Mr. Chichester:

H. 319. To amend Schedule 6 of Section 348 of Article 13, Chapter 3 of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Ways and Means.

By Mr. Chichester:

H. 320. To amend Schedule 32 of Section 348 of Article 13, Chapter 3, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Ways and Means.

By Mr. Chichester:

H. 321. To amend Schedule 35 of Section 348 of Article 13, Chapter 3, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Ways and Means.

By Mr. Chichester:

H. 322. To amend Schedule 56 of Section 348 of Article 13, Chapter 3, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Ways and Means.

By Mr. Chichester:

H. 323. To amend Schedule 86 of Section 348 of Article 13, Chapter 3, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Ways and Means.

By Mr. Chichester:

H. 324. To amend Schedule 43 of Section 348 of Article 13, Chapter 3, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Ways and Means.

By Mr. Adams:

H. 325. To amend Sub-section "k" of Schedule 147 of Section 348 of Article 13, Chapter 3, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Ways and Means.

By Mr. Hamner:

H. 326. To amend Schedule 42 of Section 348 of Article 13, Chapter 3, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Ways and Means.

By Mr. Jones:

H. 327. To amend Section 10 of an Act entitled "An Act to further provide for freeing Alabama highways of all toll bridges, through a corporation to be composed of the President of the State Board of Administration, the State Comptroller and the Chairman of the State Highway Commission, whose incorporation is authorized and to prescribe the power and authority of such corporation and provide it with funds necessary to enable it to accomplish the purpose of its creation," approved September 7, 1935.

Judiciary.

By Mr. Jones:

H. 328. To amend an Act entitled "An Act to authorize the creation and incorporation of a Commission, providing for its powers and duties, authorizing it to lease or purchase construct and reconstruct Highway Bridges, approaches and appurtenances thereto, across any river in the State of Alabama or across any body of water separating the mainland of the State of Alabama from any island forming a part of the State of Alabama, to maintain and operate said bridges, approaches and appurtenances thereto, and charge tolls thereon, and to issue bonds; providing for the payment of such bonds and providing for the rights and remedies of bondholders," approved February 7, 1935, as amended by an Act entitled "An Act to Amend Section 2 of An Act entitled 'An Act to authorize the creation and incorporation of a Commission, providing for its powers and duties, authorizing it to lease or purchase, construct and reconstruct Highway Bridges, approaches and appurtenances thereto, across any river in the State of Alabama or across any body of water separating the mainland of the State of Alabama from any island forming a part of the State of Alabama, to maintain and operate said bridges, approaches and appurtenances thereto, and charge tolls thereon, and to issue bonds; providing for the payment of such bonds and providing for the rights and remedies of bondholders' approved February 7th, 1935," approved July 8, 1935, by adding a new section thereto.

Judiciary.

By Mr. Reeder:

H. 329. To amend Section 4 of an Act entitled "An Act to authorize the creation and incorporation of a Commission, providing for its powers and duties authorizing it to lease or purchase construct and reconstruct Highway Bridges, approaches and ap-

purtenances thereto, across any river in the State of Alabama or across any body of water separating the mainland of the State of Alabama from any island forming a part of the State of Alabama, to maintain and operate said bridges, approaches and appurtenances thereto, and charge tolls thereon, and to issue bonds; providing for the payment of such bonds and providing for the rights and remedies of bondholders," approved February 7, 1935, as amended by an Act entitled "An Act to amend Section 2 of an Act entitled 'An Act to authorize the creation and incorporation of a Commission, providing for its powers and duties, authorizing it to lease or purchase, construct and reconstruct Highway Bridges, approaches and appurtenances thereto, across any river in the State of Alabama or across any body of water separating the mainland of the State of Alabama from any island forming a part of the State of Alabama, to maintain and operate said bridges, approaches and appurtenances thereto, and charge tolls thereon, and to issue bonds; providing for the payment of such bonds and providing for the rights and remedies of bondholders' approved February 7, 1935," approved July 8, 1935.

Judiciary.

By Mr. Reeder:

H. 330. To amend Section 1 of an Act entitled "An Act to declare all toll bridges and toll ferries connected with or forming a part of any State or County public highway in the State of Alabama to be public utilities; to impose upon such toll bridges and toll ferries all the public obligations and to give them all the rights and privileges applying to other public utilities under the provisions of the Alabama Public Utility Act of 1920; and to make such toll bridges and toll ferries subject to regulation by the Public Service Commission in like manner as other public utilities are subject to regulation by said Commission under said Act," approved August 26, 1935.

Judiciary.

By Mr. Reeder:

H. 331. To amend Section 7 of an Act entitled "An Act to provide for the leasing, buying, condemning, otherwise acquiring, and/or freeing of any and all toll bridges within the State by the State Highway Department, with the approval of the Governor, and to provide the method and manner in which said leasing, purchasing, condemning, otherwise acquiring, and/or freeing of any and all of said bridges shall be accomplished; and to authorize and empower the State Highway Department to make, enter into and execute, with the approval of the Governor, any and all contracts or agreements necessary for the accomplishment of the purpose of this Act and to set aside and pledge from its revenue a sum not in excess of \$300,000.00, annually, therefor, for a period not exceeding thirty years," approved July 10, 1935.

Judiciary.

By Mr. Poole:

H. 332. To amend Sections 2, 4 and 10 of an Act "To regulate and limit the use of the public highways in the State by motor trucks, semi-trailer trucks, semi-trailers and trailers; to define the powers of the State Highway Department and the State Highway Commission, Courts of County Commissioners and other bodies having like jurisdiction and incorporated cities and towns in respect thereof; to provide for the enforcement of this Act, and to provide penalties for violations thereof, and provide for the use of moneys arising from penalties and bond forfeitures collected under the provisions of this Act, and exempting certain of such motor trucks, semi-trailer trucks, semi-trailers and trailers from the provisions hereof, or certain of such provisions, and to repeal an Act entitled "An Act to prescribe the maximum size, width, length and weight, including load, limits or motor vehicles and combination of motor vehicles, operating upon the public highways of this State, and to prescribe penalties for violations of this Act", and all laws or parts of laws in conflict or inconsistent with the provisions of this Act to the extent of such conflict or inconsistency". Approved October 6, 1932 and known as House Bill 112, by Tidwell.

Ways and Means.

By Mr. Hill:

H. 333. To provide assistance to needy blind persons; to authorize the State Department of Public Welfare to administer such assistance; to authorize the county Departments of Public Welfare to administer such assistance under the supervision of the State Department of Public Welfare in the several counties; to authorize the county boards of revenue or courts of county commissioners or other governing bodies of the counties to appropriate funds for assistance to needy blind persons; to provide for a lien on the property of certain recipients of blind assistance and to provide for the enforcement thereof; to define offenses against this act and to fix punishments for such offenses; to provide or cooperation with the government of the United States and its agencies in caring for the needy blind; and to repeal all laws in conflict herewith.

Appropriations.

By Mr. Hill:

H. 334. To repeal Section 1 of Subsection X of Section 1 and to amend Section 12 of Subsection X of Section 1 of An Act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt, and for the public schools" approved September 6, 1935.

Appropriations.

By Mr. Hill:

H. 335. To amend Schedule 79 of Section 348 of Article 13, Chapter 3, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Ways and Means.

By Mr. Calhoun:

H. 336. To amend Section No. 8281 of the Code of Alabama of 1923, so as to read as follows:

Revision of Laws.

By Mr. Calhoun.

H. 337. To amend Section No. 8282 of the Code of Alabama of 1923, so as to read as follows:

Revision of Laws.

By Mr. Calhoun:

H. 338. To Provide For The Assessment And Payment Of The Clerk's And Sheriff's Costs In All Counties In The State Having A Population Of Not Less Than Forty Thousand And Not More Than Seventy-five Thousand Inhabitants Under The Last Federal Census Or Any Subsequent Federal Census, Arising From Municipal Cases In Which The Defendant Is Not Convicted And The Costs Are Not Imposed On The Prosecutor, Or In Which Defendants Have Been Convicted, And Have Been Proved Insolvent By The Return Of Execution Marked "No Property Found", Or In Cases In Which The Municipality Enters A Nolle Prosequi, Or Where The Complaint Has Been Withdrawn And Filed, Or The Prosecution Abated By The Death Of The Defendant, And In All Other Civil Cases In Which Judgment Has Been Returned Against The Municipality.

Municipal Organizations.

By Mr. Castleberry:

H. 339. To Amend An Act, entitled "An Act to provide that if, under the terms of an annuity contract or policy of life insurance, or under any written agreement supplemental thereto, issued by any life insurance company, the proceeds, or any part thereof, are retained by such company at maturity, or otherwise, permission is expressly withheld by the terms of such contract, policy or supplemental agreement, no person entitled to any part of such proceeds, or installments of interest due, or to become due thereon, shall be permitted to commute, anticipate, encumber, alienate or assign the same, or any part thereof, and that no such payment shall be in any way subject to such person's debts, contracts, or engagements, nor to any judicial process to levy upon or attach the same; and to provide, further, that no such company shall be required to segregate such funds, but may hold them as a part of its general corporate funds," approved August 9, 1935, and to further regulate the exemption from legal process to enforce

any debt or liability against the cash surrender value of life insurance or annuity contracts or money or benefits payable in installments or periodic intervals, and to except from its operation debts arising under the policy or secured by lawful assignments as defined and regulated.

Judiciary.

By Mr. Byars (with notice and proof):

H. 340. To provide for the relief of L. W. Gentry, former Treasurer of County School Funds of Lawrence County, Alabama; and to authorize and direct the County Governing Body of Lawrence County to reimburse the said Gentry for premium on the official bond of the Treasurer of School Funds of said County for the year 1932, paid by the said Gentry.

Local Legislation No. One.

Notice and proof H. 340:

NOTICE OF PROPOSED LEGISLATION

Notice is hereby given that a bill will be introduced in the Legislature during the special session called by Governor Graves, on the 12th day of February, 1936, for relief of L. W. Gentry for money paid out by him for the premium on board of former treasurer of Lawrence County school funds, which money has been paid to the Lawrence County Board of Education.

J. D. L. BYARS.

Moulton, Ala., 3-17 1936

The State of Alabama,
Lawrence County.

Before me R. C. Jackson a Notary Public in and for said state and county, on this day personally appeared Clark Hodgins, who being sworn in due form of law says, that he is Editor of The Moulton Advertiser, a weekly news paper published in Moulton, Lawrence County, Alabama, and as such Editor he published in said newspaper the attached notice for 4 consecutive weeks beginning Feb. 20, 1936, and ending Mar. 12, 1936, as required by law.

CLARK HODGINS, Editor.

Sworn to and subscribed before me this the 17 day of March, 1936

R. C. JACKSON, Notary Public.

By Mr. Merrill:

H. 341. To authorize the payment of the per diem and mileage of the members of the Courts of County Commissioners or Boards of Revenue or like governing bodies in all counties in the State of Alabama which now have or which may hereafter have a population of not more than 26,100 according to the last or any subsequent Federal Census out of the excise gas tax fund of the county when engaged in inspecting, accepting, building, repairing or maintaining public roads or bridges in their respective counties; and to repeal all laws and parts of laws, general, special, private and local in conflict with the provisions of this Act.

Judiciary.

By Mr. Castleberry (with notice and proof):

H. 342. To prohibit and make it unlawful for the Town Council or other governing body of the Town of Castleberry, Alabama to make any contract with or grant any franchise to any public utility company respecting the furnishing of electricity to the citizens of said town or to renew or extend any such existing contract without first being authorized by the majority of the votes to be cast in an election to be held in which the proposition shall be voted upon.

Local Legislation No. One.

Notice and proof H. 342:

NOTICE

The following local bill, in substance, will be introduced and its passage sought at the present special session of the Alabama legislature:

A bill to be entitled an act to prohibit and make it unlawful for the present or future governing body of the Town of Castleberry to make any contract with, or grant any franchise to, any public utility company, respecting the furnishing of electricity to the citizens of said town, to the town itself, or to renew or extend any such existing contract, without first being authorized so to do by the majority of the votes cast in an election to be held in which the proposition shall be voted upon.

STATE OF ALABAMA }
CONECUH COUNTY }

Personally appeared before me, a Notary Public in and for said State and County, R. G. Bozeman who, being by me duly sworn, deposes and says that he is publisher of The Evergreen Courant, a newspaper published in Evergreen, in Conecuh County, Alabama, and that the attached notice was published for four consecutive weeks in said newspaper commencing on the 27th, day of Feb. 1936, and ending on the 19th day of March, 1936.

R. G. BOZEMAN,
Publisher.

Sworn to and subscribed before me this the 19th, day of March 1936.

CATHERINE D. STALLWORTH,
Notary Public.

By Mr. Hall (with notice and proof):

H. 343. To authorize and empower the Commissioners Court of Greene County, Alabama, to appropriate a sum not to exceed Two Hundred Dollars per annum out of the General Fund of Greene County for the purpose of paying for clerical work necessary in making the reports of the County Depository as required by law.

Local Legislation No. One.

Notice and proof H. 343:

NOTICE OF LOCAL BILL

Notice is hereby given that a bill will be introduced in the Special Session of the Legislature of Alabama called or to be called by the Governor, which bill will be in substance as follows:

A BILL TO BE ENTITLED AN ACT

To authorize and empower the Commissioners Court of Greene County, Alabama to appropriate a sum not to exceed Two Hundred Dollars per annum out of the General Fund of Green County for the purpose of paying for clerical work necessary in making the reports of the County Depository as required by law.

Be it enacted by the Legislature of Alabama:

Section 1. That the Commissioners Court of Greene County, Alabama, be and they are hereby authorized and empowered to appropriate a sum not exceeding Two Hundred Dollars, per annum, out of the General Fund of Greene County for the purpose of paying for clerical work necessary in making the reports of the County Depository as required by law.

L. H. MONTGOMERY

STATE OF ALABAMA }
GREENE COUNTY }

I, J. S. Coleman, Editor of the Green County Democrat a weekly newspaper published at Eutaw, Greene County, Alabama, hereby certify the attached local bill was published in the Greene County Democrat in four issues of said paper on to-wit: February 5th, February 12th, February 19th and February 26, 1936.

Given under my hand this the 12th day of March, 1936.

J. S. COLEMAN

Sworn to and subscribed to before me this the 12th day of March, 1936.

ELEANOR M. COLEMAN,
Notary Public in and for Greene County, Alabama.

By Mr. Dominick:

H. 344. To Amend Section 794 of the Code of Alabama of 1923.

Judiciary.

By Mr. Denson:

H. 345. To amend Section 793, of the Code of Alabama, 1923.

Judiciary.

By Mr. Denson:

H. 346. To amend Section 10342 of the Code of Alabama, 1923.

Judiciary.

By Mr. Denson:

H. 347. To amend Section 798, of the Code of Alabama, 1923.

Judiciary.

BILLS ON SECOND READING

Mr. Calhoun, Chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Cook:

H. 312. To authorize and require the tax levied and collected under Article IX, Chapter 3 of Act No. 194 entitled "To provide for the general revenue of the State of Alabama, approved July 10, 1935" to be when collected paid into the Educational Trust Fund to be used exclusively for the payment of the salaries of the teachers of the State, and to provide penalty for violations of this Act.

Mr. Connor, Chairman of the Standing Committee on Local Legislation No. Two, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. Welch:

H. 85. To repeal Section 3 of an Act entitled "An Act to authorize and empower the Circuit Solicitor in all Counties of the State of Alabama having five or more Circuit Judges or which Counties may hereafter have five or more Circuit Judges, to employ all shorthand reporters necessary to properly report the proceedings before the grand jury and transcribe the same, and stenographer or stenographers for the office work of such solicitor, and all assistants or assistance necessary to properly administer justice in such counties, and fix their compensation and manner of payment of the same, and to incur all necessary expenses to properly administer justice in such counties, and where there is a division of the Circuit Court held at some place in such county other than the County site, and where the cases arising in the remaining portion of the County are tried at the County site, and where there is elected from that portion of the county other than the county site a Deputy Circuit Solicitor, to authorize such Deputy Circuit Solicitor to employ or appoint one officer who shall be under the supervision and control of said Deputy Circuit Solicitor, and to fix the compensation of such officer, and the manner of paying the same", approved August 22, 1923.

By Mr. Welch:

H. 317. To better provide for the prosecution and suppression of crime in all counties of this State which now have according to the last federal census a population of 300,000 or more or which may hereafter have such population by any such federal census hereafter taken, requiring all solicitors, assistant solicitors,

deputy solicitors and assistant deputy solicitors or any persons who prosecute for the State to devote their entire time to the study and prosecution of crime and to prohibit all such persons from practicing law other than in the discharge of their official duty.

By Mr. Welch:

H. 86. To amend an Act entitled "An Act to amend Section one of an Act entitled an Act to provide for the election of a solicitor for each Judicial Circuit in the State and to fix his compensation and to authorize the appointment or election of deputy solicitors and assistant solicitors, prescribe their duties and authority and fix their compensation, approved September 25, 1915", approved July 8, 1927.

By Mr. Connor (with notice and proof):

H. 284. To provide for the unification of the fiscal administration of Jefferson County; to create the office of County Comptroller of Jefferson County and provide the method of his selection; to define the duties and authority of such officer; to transfer to said County Comptroller the duties heretofore fixed by law for performance by the County Treasurer, the Tax Assessor, the Tax Collector and the Commissioner of Licenses of Jefferson County; to require said County Comptroller to perform certain duties now devolving upon the Probate Judge of Jefferson County; to transfer to said County Comptroller all records, books, accounts and equipment pertaining to the financial operations of said county; to abolish the offices of County Treasurer, Tax Collector, Tax Assessor and Commissioner of Licenses of Jefferson County; to provide for a deputy County Comptroller at Bessemer; to provide said County Comptroller with necessary deputies, clerks and assistants; to provide for the oath of office and bond of said County Comptroller and certain deputies, clerks and assistants of said County Comptroller; to provide said County Comptroller with quarters and supplies and modern office equipment; to fix the compensation of said County Comptroller; to provide for the continued employment of certain officers duly elected by the people or serving terms of office under appointment; and to repeal all laws general or local in conflict herewith.

Mr. Street, Chairman of the Standing Committee on Public Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Walton:

S. 44. To amend an Act of the Legislature of Alabama entitled, "An Act for the protection of human beings against rabies, to require inoculation against rabies of all dogs running at large,

to provide for the apprehension and disposition of dogs running at large which have not been inoculated in accordance with the provisions of this Act, to provide for the confinement of bitten dogs, and dogs that have bitten human beings, to provide a means of enforcement of the provisions of this Act, the appointment of a Rabies Inspector, to fix fees for inoculation of dogs, and to fix penalties for the violation of the provisions hereof," approved September 13, 1935.

Mr. Parish (Henry), Chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Walden:

S. 102. To accept the provisions of an Act by the Congress of the United States, approved February 29, 1936, and generally known as the Soil Conservation and Domestic Allotment Act; to provide for the State of Alabama to qualify for all of the purposes and benefits as specified in said Act; to authorize the State to make such plans as are necessary for carrying out the purposes of the Act; and to designate the Extension Service of the Alabama Polytechnic Institute as the agency of the State to administer said Act.

Mr. Harrison, Chairman of the Standing Committee on Ways and Means, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. Adams (by request):

H. 277. To amend Schedule 77 of Section 348 of Article 13, Chapter 3, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

By Mr. Poole:

H. 266. To regulate the business of selling used motor vehicles by dealers not residing in or having a permanent place of business in the State of Alabama, and by resident dealers purchasing, handling and selling used vehicles, used or acquired from non-resident dealers; to require the registration of all used motor vehicles brought into the State of Alabama, for the purpose of sale, with Probate Judges in several counties, to require all such dealers to execute and deliver to such purchaser of such used vehicle, a bond indemnifying the purchaser against failure of title, breach of warranty, or fraudulent misrepresentation; to define the terms "dealer" and "Vendor," and to provide penalties for the violation of the provisions of this Act.

By Mr. Robertson (Cullman):

H. 208. To amend Schedule 146 of Section 348 of Chapter I of Article XIII of An Act entitled An Act to provide for the general revenue for the State of Alabama, approved July 10th, 1935, so that the same as amended shall read as follows:

The above and foregoing Bills were severally read a second time and placed on the Calendar.

SECOND READING OF BILLS PROPOSING CONSTITUTIONAL AMENDMENTS

Mr. Taylor, Chairman of the Standing Committee on Constitution and Constitutional Amendments, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. Poole:

H. 313. A bill to be entitled An Act to submit to the qualified electors of the State of Alabama at the general election to be held November, 1936, for their consideration an amendment to the Constitution of the State of Alabama by amending Section 138 of Article 5 of the Constitution of Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of Alabama for their consideration as hereinafter set forth, viz. that Section 138 of Article 5 of the Constitution of Alabama be amended so as to read as follows: Section 138 of Article 5. A Sheriff shall be elected in each county by the qualified electors thereof who shall hold office for a term of four years unless sooner removed, and he shall be eligible to such office as his own successor. Whenever any prisoner is taken from jail, or from the custody of any sheriff or his deputy, and put to death, or suffers grievous bodily harm, owing to neglect, connivance, cowardice, or other grave fault of the sheriff, such sheriff may be impeached under Section 174 of this Constitution. If the sheriff be impeached, and thereupon convicted, he shall not be eligible to hold any office in this State during the time for which he had been elected or appointed to serve as sheriff.

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in the State at least four consecutive weeks next preceeding the general election in November, 1936, of the election on the amendment proposed by this Act, to be submitted to the qualified electors of the State for their consideration, together with the proposed amendment.

Section 3. That at the general election in November 1936, an election shall be held by the qualified electors of the State on the proposed amendment. Upon the ballots used at such election shall be printed the following: Amendment to the Constitution by amending Section 138 of Article 5.—A sheriff shall be elected in each county by the qualified electors thereof who shall hold office for a term of four years unless sooner removed, and he shall be eligible to such office as his own successor. Whenever any prisoner is taken from jail or from the custody of any sheriff or his deputy, and put to death, or suffers grievous bodily harm, owing to the neglect, connivance, cowardice, or other grave fault of the sheriff, such sheriff may be impeached under Section 175 of this Constitution. If the Sheriff be impeached, and thereupon convicted, he shall not be eligible to hold any office in this State during the time for which he had been elected or appointed to serve as sheriff. Following the proposed amendment on a ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No". The choice of the elector shall be indicated by the cross mark by him opposite the word expressing his desire.

Section 4. The officers of such general election shall open a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon such proposed amendment, the votes cast thereat shall be canvassed, tabulated, and the returns thereof made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The results of such election shall be made known by proclamation of the Governor.

Section 5. Provided that at such general election the Circuit Judge or Judges of each Circuit in each County or Counties comprising their circuits, the Judge of Probate and the Circuit Court Clerk in each county or counties, or a majority of them, shall appoint at least one qualified elector and not more than two qualified electors to preserve order at each polling place, each such qualified elector to be vested with the power and authority of a Deputy Sheriff, such appointment to take the place and be in lieu of Deputy Sheriffs provided by law for other elections.

The above and foregoing bill, H. 313, proposing an amendment to the Constitution, was read the second time at length and placed on the Calendar.

By Mr. Simpson:

S. 74: A Bill to be entitled An Act to provide for and submit to the qualified electors of the State of Alabama at the General election to be held on the Third day of November, 1936, an amendment to the Constitution of Alabama, as follows: "The Courts in all counties of Alabama, having original jurisdiction in criminal cases, may suspend the execution or imposition of sentences upon persons convicted of crime, where the punishment does not exceed five years imprisonment, and place such persons on probation, and may thereafter impose sentence or order sentence executed, or remit such punishment as may seem to the court right and just and to the best interest of society;" to provide for notice of said election; to provide the form of ballot for the canvassing of returns and to prescribe the method whereby the result of said election shall be known and to further provide for expenses and costs of publication of notices of this proposed amendment.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of this State for their consideration at the General election to be held on the third day of November 1936, to-wit; "The Courts, in all counties of Alabama having original jurisdiction of Criminal cases, may suspend the execution or imposition of sentences upon persons convicted of crime, where the punishment does not exceed five years imprisonment, and place such persons on probation and may hereafter impose sentence or order sentence executed, or remit such punishment as may seem to the court right and just and to the best interest of society."

Section 2. That it shall be the duty of the Governor of the State of Alabama, to give notice, by proclamation, of the fact that such election will be held on the day hereby appointed for action by the electorate upon the amendment hereby proposed by this act to be submitted to the qualified electors of the State for their consideration; and such proclamation shall also set out the proposed amendment. The said proclamation shall be published in one newspaper in each county in the State for at least eight successive weeks next preceding the day hereby appointed for the said election.

Section 3. That at said election on the amendment proposed by this act to be submitted to the qualified electors of the State of Alabama, for their consideration, the qualified electors shall vote upon said amendment and on the official ballots printed for such election, there shall be printed the following: "Shall the following be adopted as an amendment to the Constitution of the State of Alabama:" "The Courts in all counties of Alabama, hav-

ing original jurisdiction in criminal cases, may suspend the execution or imposition of sentences upon persons convicted of crime, where the punishment does not exceed five years imprisonment, and place such persons on probation, and may thereafter impose sentence or order sentence executed, or remit such punishment as may seem to the court right and just and to the best interest of society." Following the proposed amendment on the ballot shall be printed the word "yes" and immediately under that shall be printed the word "no." The choice of the elector shall be indicated by a cross mark made by him, or under his direction opposite the word expressing his desire.

Section 4. That the votes cast at said election shall be counted, canvassed, and tabulated and return made to the Secretary of State in the same manner as in elections of representatives to the Legislature; and if it thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment, voted in favor same, such amendment shall become a part of the Constitution of Alabama, and shall be in all its intents and purposes valid as such a part of the Constitution.

Section 5. That the result of such election shall be made known by proclamation of the Governor.

Section 6. That the expenses and the cost of the publication of the notices, shall be paid out of the State Treasury.

The above and foregoing bill, S. 74, proposing an amendment to the Constitution, was read the second time at length and placed on the Calendar.

By Mr. Connor:

H. 32. A Bill to be entitled "An Act to propose an amendment to Section 59 of Article 4 of the Constitution of Alabama of 1901, and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held at the next regular general election after the final adjournment of the present session of the Legislature at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 59 of Article IV of the Constitution of the State of Alabama of 1901, is hereby proposed so as to make said section read as follows:

"Section 59. No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any office of profit under this State, or any governmental subdivision thereof; nor shall any Senator or Representative, during the term for which he shall have been elected, receive any compensation, directly or indirectly, from the State of Alabama, or any department, bureau, board or commission thereof, nor from any county,

municipality, or district of the State. The acceptance of any appointive office, or the receipt of any compensation in this Section prohibited, by any Senator or Representative shall vacate his office, and he shall no longer be a member of the Legislature of Alabama, and shall not be permitted to attend its sessions, nor vote upon any measure; and his name shall be stricken from the roll of the Senate, or of the House, of which ever he may be a member; and neither the Senate nor the House of Representatives shall have the power, under the authority in this Constitution given it to pass upon the qualifications of its membership, to seat or reinstate any Senator or Representative who violates this Section. Any Senator or Representative may, during the term for which he shall have been elected, be a candidate for any office to be filled by election of the people, and accept the election to any office by the people, but an acceptance of such office shall be a vacation of his office as Senator or Representative."

Section 2. That an election be held upon this proposed amendment at the next general regular election of the State of Alabama, to be held after the adjournment of this session of the Legislature.

Section 3. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in every County in the State, for at least four successive weeks, next preceding the day hereby appointed for such election.

Section 4. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment; and on the official ballot provided for such election, there shall be printed the following, namely: "Shall the following be adopted as an amendment to Section 59 of the Constitution of Alabama so as to make said Section read as follows:"

"Section 59. No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any office of profit under this State, or any governmental sub-division thereof; nor shall any Senator or Representative, during the term for which he shall have been elected, receive any compensation, directly or indirectly, from the State of Alabama, or any department, bureau, board or commission thereof, nor from any county, municipality, or district of the State. The acceptance of any appointive office, or the receipt of any compensation in this Section prohibited, by any Senator or Representative shall vacate his office, and he shall no longer be a member of the Legislature of Alabama, and shall not be permitted to attend its sessions, nor vote upon any measure; and his name shall be stricken from the roll of the Senate, or of the House, of which ever he may be a member; and neither the Senate nor the House of Representatives shall have the power, under the authority in this Constitution given it

to pass upon the qualifications of its membership, to seat or reinstate any Senator or Representative who violates this Section. Any Senator or Representative may, during the term for which he shall have been elected, be a candidate for any office to be filled by election of the people, and accept the election to any office by the people, but an acceptance of such office shall be a vacation of his office as Senator or Representative."

Yes.....

No

Section 5. The officers of said election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State and the election shall be held in all things in accordance with this Act, the law governing elections and the constitutional provisions concerning amendments to the Constitution.

Section 6. The votes cast at such election shall be canvassed, tabulated and return thereof made to the Secretary of State, and counted in the same manner, as in elections for Representatives to the Legislature; and if it shall appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

The above and foregoing bill, H. 32, proposing an amendment to the Constitution, was read the second time at length and placed on the Calendar.

By Mr. Reid:

H. 294. A bill to be entitled An Act to propose an amendment to the Constitution of the State of Alabama of 1901, whereby the Town of Montevallo, Alabama, may levy and collect a rate of taxation on the property situated therein not exceeding in the total in any one year one and one half per centum of the value of such property, as assessed, as provided by the Constitution and statutes now or hereafter enacted pursuant to the Constitution; provided that the total rate of taxation levied by such municipal corporation shall not in any one exceed one per centum, unless the rate in excess thereof shall have been submitted to and authorized by ballot by the qualified electors of such municipality, at an election or elections to be held by it from time to time for such purpose, and to order an election of the qualified electors of the State of Alabama upon such proposed amendment to be held at the next general election for state and county officers in November 1936.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama of 1901 is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment, and the day hereby appointed for such election is the general election to be held in 1936.

The proposed amendment is as follows:

The Town of Montevallo, Alabama, shall have the power and right to levy and collect a tax of one half of one per centum in any one year on property situated therein based on the valuation of such property as assessed for State taxation for the tax year ending on the 30th day of September next succeeding the levy; provided, that for the purpose of paying bonds issued and outstanding at the time of the adoption of this amendment and the interest thereon, and for the purpose of paying bonds which may be issued after the adoption of this amendment and the interest thereon, an additional tax of one half of one per centum may be levied and collected by said municipality, provided, further, that a majority of the qualified electors of said municipality voting at an election called for that purpose may vote a special tax not to exceed one half of one per centum in any one year for any special purpose, or purposes for which it is levied and collected; provided, however, that the total tax to be levied shall not exceed one and one half (1½) per centum in any one year. Provided, further, that the adoption of this amendment shall in no wise affect, limit, modify, abridge or impair the power, authority or right of said municipal corporation to levy and collect the special school taxes, now or hereafter vested in or conferred upon it, under the Constitution or any amendment thereto. Each election held under the provisions hereof shall be ordered, held, canvasses and may be contested in the same manner as is or may be provided by law applicable to municipal corporations for election to authorize the issuance of municipal bonds. The ballots used at such election shall contain the words; "For..... excess rate of taxation for the year (or years).....;" and "Against..... excess rate of taxation for the year (or years).....". The rate of taxation proposed in excess of the rate of one (1) per centum to be shown in the blank space provided therefor, and the year or years in which the proposed rate is to apply to be shown in the blank space provided therefor. The voter shall record his choice, whether for or against the excess rate shown by placing a cross mark before the words expressing his choice. Nothing herein contained shall in any wise change or affect the right of any holder of bonds of said municipal corporation heretofore issued. Elections to authorize the levy of such special tax may be held as often as ordered by the governing body of the municipality, but when a proposition is submitted to

the electors of said municipality to levy a special tax for a specified purpose, and such proposition is defeated, no second election for the same purpose shall be held in one year thereafter.

Section 2. It shall be the duty of the governor to give notice by proclamation, to be published in one newspaper in each county in the State, at least eight consecutive weeks next preceding the said election on the amendment proposed by this act to be submitted to the qualified electors of the State for their consideration, together with the proposed amendment.

Section 3. That at the said election on the amendment proposed by this act to be submitted to the qualified electors of the State for their consideration, to be held as herein provided for, the qualified electors shall vote upon said amendment, and on the official ballots printed for such election there shall be printed the following, viz; Shall the following, be adopted as an amendment to the Constitution of Alabama: The Town of Montevallo, Alabama, shall have the power and the right to levy and collect a tax of one half of one per centum in any one year on property situated therein, based on the valuation of such property as assessed for state taxation for the tax year ending on the 30th day of September next succeeding the levy; provided that for the purpose of paying bonds issued and outstanding at the time of the adoption of this amendment and the interest thereon, and for the purpose of paying bonds which may be issued after the adoption of this amendment and the interest thereon, an additional tax of one half of one per centum may be levied and collected by said municipality; provided further, that a majority of the qualified voters of said municipal corporation voting at an election called for the purpose may vote a special tax not to exceed one half of one per centum in any one year for any special purpose or purposes, which tax shall be used only for the purpose or purposes for which the same was levied and collected; provided, however, that the total tax to be levied by any municipal corporation shall not exceed one and one half (1½) per centum in any one year. Each election held under the provisions hereof shall be ordered, held, canvassed and may be contested in the same manner as is or may be provided by the law applicable to the municipal corporation for elections to authorize the issuance of municipal bond. The ballots used at such election shall contain the words: "For..... excess rate of taxation for the year (or years).....," and "Against..... excess rate of taxation for the year (or years)....." "The rate of taxation proposed in excess of the rate of one per centum to be shown in the blank space provided therefor and the year or years in which the proposed rate is to apply to be shown in the blank space provided therefor and in the event different excess rates are proposed for different years the words mentioned shall be repeated as often as

may be necessary to show separately the different excess rates proposed to be applied to the respective years. And the voter shall record his choice, whether for or against the excess rate or rates shown, by placing a cross mark before the words expressing his choice. Nothing herein contained shall in any wise change or affect the right of any holder of bonds of said municipal corporation heretofore issued. Elections to authorize the levy of such special tax may be held as often as ordered by the governing body of the municipality, but when a proposition is submitted to the electors to levy a special tax for a specified purpose, and such proposition is defeated no second election for the same purpose shall be held in one year thereafter. This amendment shall be self-executing and no act of the legislature shall be required to put the same, or any part thereof, in force.

Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No." The choice of the elector shall be indicated by a cross mark made by him, or under his direction, opposite the word expressing his desire.

Section 4. That the officers to hold such election shall be the same, and shall be appointed in the same manner and by the same officials as provided by the election law of the State for the appointment of officers to hold general elections in this State, and the election shall be held in all things in accordance with the law governing general elections and with the constitutional provisions concerning amendments to that instrument.

Section 5. That the votes cast at said election shall be counted, canvassed and tabulated and return made to the Secretary of State in the same manner as in elections of representatives to the legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid in all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by proclamation of the Governor.

Section 6. The expenses of the election herein provided for and the cost of the publication of the notices shall be paid out of the state treasury in the same manner as the expenses of the general elections are paid.

The above and foregoing bill, H. 294, proposing an amendment to the Constitution, was read the second time at length and placed on the Calendar.

By Mr. Taylor:

H. 288. A Bill to be entitled An Act to submit to the qualified voters of this State at the general election next succeeding the

present session of the Legislature of Alabama, an amendment to the Constitution of Alabama providing that the Legislature may authorize the various judges of the courts of this state and of the political subdivisions thereof to suspend the imposition and execution of sentence, or release under parole, for such time and upon such conditions as said judges may deem reasonable any person convicted of crime or offense in any of the courts of this state or in the courts of any political subdivision thereof; provided always that the provisions of this amendment shall not apply where the crime requires sentence for more than 10 years imprisonment.

Be it enacted by the Legislature of Alabama:—

Section 1. The following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration as hereinafter set forth, namely:—

“The Legislature may authorize the various judges of the courts of this state and of the political subdivisions thereof to suspend the imposition and execution of sentence, or release under parole, for such time and upon such conditions as said judges may deem reasonable, any person convicted of crime or offense in any of the courts of this state or in the courts of any political subdivision thereof; provided always that the provisions of this amendment shall not apply where the crime requires sentence for more than 10 years imprisonment.”

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each County in the State for at least four successive weeks next preceding the date of the election hereinafter fixed of the election on the amendment proposed by this act to be submitted to the qualified voters of the State for their consideration, together with the proposed amendment.

Section 3. That at the general election next succeeding the present session of the Legislature of Alabama, an election shall be held for the vote of the qualified electors of the State of Alabama upon the proposed amendment. Upon the official ballot printed for such election shall be printed the following, namely: “Shall the following be adopted as an Amendment to the Constitution of Alabama?”

“The Legislature may authorize the various judges of the courts of this state and of the political subdivisions thereof to suspend the imposition and execution of sentence, or release under parole, for such time and upon such conditions as said judges may deem reasonable, any person convicted of crime or offense in any of the courts of this state or in the courts of any political subdivisions thereof; provided always that the provisions of this amendment shall not apply where the crime requires sentence for more than 10 years imprisonment.”

Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No." The choice of the voter shall be indicated by a cross-mark by him or her opposite the word expressing his or her desire.

Section 4. The officers for said election shall open the polls for a vote of the qualified electors of the State upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon such proposed amendment the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of State, and counted in the same manner as in elections for Governor, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by proclamation of the Governor.

The above and foregoing bill, H. 288, proposing an amendment to the Constitution, was read the second time at length and placed on the calendar.

By Mr. Arnold:

H. 162. A Bill to be entitled An Act to propose an amendment to the Constitution of Alabama relating to representation in the House and Senate.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Article IX of the Constitution of Alabama, to be known and designated as Article _____ thereof, is hereby proposed and an election is hereby ordered by the qualified, electors of the State of Alabama, and the day appointed for such election is the second Tuesday next after the expiration of three months after the final adjournment of the present session of the Legislature at which this amendment is proposed. The proposed amendment is as follows:

"Section 197. The whole number of Senators shall be not less than one-fourth of the whole number of Representatives.

"Section 198. The House of Representatives shall consist of not more than seventy-one members, unless new counties shall be created, in which event each new county shall be entitled to one representative.

"Section 199. The County of Jefferson shall have three Representatives, the County of Mobile shall have two Representatives, the County of Montgomery shall have two Representatives, and every other county in the State shall have one Representative.

"Section 200. The State shall be divided into senatorial districts. A Senator shall be elected from each district. The Senatorial Districts shall be as follows: First District, Lauderdale and Limestone; Second district, Lawrence and Morgan; Third district, Blount, Cullman, and Winston; Fourth district, Madison; Fifth district, Jackson and Marshall; Sixth district, Etowah and St. Clair; Seventh district, Calhoun; Eighth district, Talladega; Ninth district, Chambers and Randolph; Tenth district, Tallapoosa and Elmore; Eleventh district, Tuscaloosa; Twelfth district, Fayette, Lamar and Walker, Thirteenth district, Jefferson; Fourteenth district, Pickens and Sumter; Fifteenth district, Autauga, Chilton and Shelby; Sixteenth district, Lowndes; Seventeenth district, Butler, Conecuh and Covington; Eighteenth district Bibb and Perry; Nineteenth district, Choctaw, Clarke and Washington; Twentieth district, Marengo; Twenty-first district, Baldwin, Escambia and Monroe; Twenty-second district, Wilcox; Twenty-third district, Dale and Geneva; Twenty-fourth district Barbour; Twenty-fifth district, Coffee, Crenshaw and Pike; Twenty-sixth district, Bulloch and Macon; Twenty-seventh district, Lee and Russell; Twenty-eighth district, Montgomery; Twenty-ninth district, Cherokee and DeKalb; Thirtieth district, Dallas; Thirty-first district, Colbert, Franklin and Marion; Thirty-second district, Greene and Hale; Thirty-third district, Mobile; Thirty-fourth district, Cleburne, Clay and Coosa; Thirty-fifth district, Henry.

"Section 201. The proportionment herein provided for shall not be changed before the taking of the next decennial census of the United States.

"Section 202. After the taking of the next decennial census of the United States and after each subsequent decennial census the Legislature may reapportion the number of Representatives and re-arrange or diminish the number of Senatorial Districts; provided, that each county shall be entitled to at least one Representative, and provided further that the Senatorial Districts shall never exceed thirty-five in number.

"Section 203. The Legislature may from time to time diminish the number of Representatives and the number of Senators and increase the number of votes that the remaining Senators and Representatives are entitled to cast; provided, however, that the membership in the House of Representatives shall never be reduced below fifty and the membership of the Senate shall never be reduced below twenty.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation by the Governor, which shall be published in one newspaper once a week in every county in the State at least four weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment and on the official ballot provided for such election there shall be printed the following, viz: "Shall the following be adopted as an amendment to Article IX of the Constitution of Alabama?" Immediately following said words the text of the proposed amendment shall be printed on the ballot. "Yes..... No....."

Section 4. Officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State and the election shall be held in all things in accordance with this Act, the law governing elections and the constitutional provisions concerning the amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated and return thereof made to the Secretary of State, and counted in the same manner as in elections for Representatives to the Legislature; and if it shall appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

The above and foregoing bill, H. 162, proposing an amendment to the Constitution, was read the second time at length and placed on the Calendar.

By Mr. Connor:

H. 74. A Bill to be entitled An Act to submit to the qualified voters of this State, at an election to be held on the first Tuesday of November after the expiration of three months after the final adjournment of the present special session of the Legislature of Alabama, for their consideration, an amendment to Section 124 of the Constitution of the State, so as to empower the Legislature to regulate and limit the power and authority of the Governor of this State, to remit fines and forfeitures and, after conviction, to grant reprieves, paroles, commutations of sentence, and pardons except in cases of impeachment.

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby proposed to be submitted to the qualified voters of Alabama as hereinafter set forth, the question of amending section 124 of the Constitution of Alabama of 1901, so as to make said section 124 read as follows: Section 124. The Governor shall have power to remit fines and forfeitures, and after conviction, to grant reprieves, paroles, commutations of sentence and pardons, except in cases of impeachment, subject to such

regulations and limitations as may be prescribed by law. It shall be the duty of the legislature of this state at the next regular session following the adoption of this amendment to provide for the establishment of a Board of Prison Terms and Paroles, to consist of three members; to fix the method of selecting the membership of said board; to fix the terms of office for such members; to provide for the powers and duties of said board; to regulate and/or limit the powers of the Governor to grant reprieves, paroles, commutations of sentences and pardons except in cases of impeachment; to prescribe the manner and method of granting paroles, reprieves, pardons and commutations of sentence except in cases of impeachment; and to provide the procedure for obtaining such paroles, reprieves, pardons and commutations of sentences, Provided, however, that no such paroles, reprieves, pardons and commutations of sentences shall in any case be granted except with the consent and approval of the Governor.

Section 2. That on the first Tuesday in November after the expiration of three months after the final adjournment of the present session of the Legislature of Alabama, and in connection with and in conjunction with the general election to be held on that day, an election shall be held for the vote of the qualified electors of the State of Alabama upon the proposed Constitutional amendment, upon the official ballot prepared for such election and shall be printed as follows: Namely: Shall section 124 of the Constitution of Alabama of 1901 be amended so as to read as follows: "The Governor shall have power to remit fines and forfeitures, and after conviction, to grant reprieves, paroles, commutations of sentence and pardons, except in cases of impeachment, subject to such regulations and limitations as may be prescribed by law. It shall be the duty of the legislature of this state at the next regular session following the adoption of this amendment to provide for the establishment of a Board of Prison Terms and Paroles to consist of three members; to fix the method of selecting the membership of said board; to fix the terms of office for such members; to provide for the powers and duties of said board; to regulate and/or limit the powers of the Governor to grant reprieves, paroles, commutations of sentence and pardons except in cases of impeachment; to prescribe the manner and method of granting paroles, reprieves, pardons and Commutations of sentence except in cases of impeachment; and to provide the procedure for obtaining such paroles, reprieves, pardons and commutations of sentence. Provided, however, that no such paroles, reprieves, pardons and commutations of sentence shall in any case be granted except with the consent of the Governor." Following the proposed amendment on the ballot shall be printed the word "Yes", and immediately under that shall be printed the word "No". The choice of the voter shall be

indicated by a cross-mark by him or her opposite the word expressing his or her desire.

Section 3. In the election upon such proposed amendment, the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of State, and canvassed in the same manner as in elections for Governor, and if it shall appear that a majority of the qualified electors who voted on the amendment, voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of said election shall be made known by a proclamation of the Governor.

The above and foregoing bill, H. 74, proposing an Amendment to the Constitution, was read the second time at length and placed on the Calendar.

By Mr. Taylor:

H. 287. A Bill to be entitled An Act to submit to the qualified voters of this State at the general election next succeeding the present session of the Legislature of Alabama, an amendment to the Constitution of Alabama providing that any person now or hereafter duly registered as a voter, in Mobile County, shall be entitled to have his name placed upon the list of qualified voters of said county for any election, general, special or primary when he shall have paid the last preceding year's poll tax.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration as hereinafter set forth, namely:

"Any person now or hereafter duly registered as a voter in Mobile County, shall be entitled to have his name placed upon the list of qualified voters of said county for any election, general, special or primary, when he shall have paid the last two preceeding year's poll tax."

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each County in the State for at least four successive weeks next preceding the date of the election hereinafter fixed of the election on the amendment proposed by this act to be submitted to the qualified voters of the State for their consideration, together with the proposed amendment.

Section 3. That at the general election next succeeding the present session of the Legislature of Alabama, an election shall be held for the vote of the qualified electors of the State of Alabama upon the proposed amendment. Upon the official ballot printed for such election shall be printed the following, namely: "Shall the following be adopted as an Amendment to the Constitution of Alabama?"

"Any person now or hereafter duly registered as a voter in Mobile County, shall be entitled to have his name placed upon the list of qualified voters of said county for any election, general, special or primary, when he shall have paid the last preceeding year's poll tax."

Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No". The choice of the voter shall be indicated by a cross-mark by him or her opposite the word expressing his or her desire.

Section 4. The officers for said election shall open polls for a vote of the qualified electors of the State upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon such proposed amendment the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of State, and counted in the same manner as in elections for Governor, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election be made known by proclamation of the Governor.

The above and foregoing bill, H. 287, proposing an amendment to the Constitution, was read the second time at length and placed on the Calendar.

By Mr. Simpson:

S. 42. A Bill to be entitled An Act to provide for and submit to the qualified electors of the State of Alabama at the General election to be held on the Third day of November, 1936, an amendment to the Constitution of Alabama, as follows: "The Courts in all counties of Alabama, having a population of Fifty Thousand or more, according to the last or any subsequent Federal census and having original jurisdiction in criminal cases, may suspend the execution or imposition of sentences upon persons convicted of crime, where the punishment does not exceed five years imprisonment, and place such persons on probation, and may thereafter impose sentence or order sentence executed, or remit such punishment as may seem to the court right and just and to the best interest of society;" to provide for notice of said election; to provide the form of ballot for the canvassing of returns and to prescribe the method whereby the result of said election shall be known and to further provide for expenses and costs of publication of notices of this proposed amendment.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of this State for their consideration at the General election to be held on the third day of November 1936, to wit: "The Courts, in all counties of Alabama having a population of Fifty Thousand or more according to the last or any subsequent Federal census and having original jurisdiction of Criminal cases, may suspend the execution or imposition of sentences upon persons convicted of crime, where the punishment does not exceed five years imprisonment, and place such persons on probation and may hereafter impose sentence or order sentence executed, or remit such punishment as may seem to the court right and just and to the best interest of society."

Section 2. That it shall be the duty of the Governor of the State of Alabama, to give notice, by proclamation, of the fact that such election will be held on the day hereby appointed for action by the electorate upon the amendment hereby proposed by this act to be submitted to the qualified electors of the State for their consideration; and such proclamation shall also set out the proposed amendment. The said proclamation shall be published in one newspaper in each county in the State for at least eight successive weeks next preceeding the day hereby appointed for the said election.

Section 3. That at said election on the amendment proposed by this act to be submitted to the qualified electors of the State of Alabama, for their consideration, the qualified electors shall vote upon said amendment and on the official ballots printed for such election, there shall be printed the following: "Shall the following be adopted as an amendment to the Constitution of the State of Alabama?" "The Courts in all counties of Alabama having a population of Fifty Thousand or more, according to the last or any subsequent Federal census, and having original jurisdiction in criminal cases, may suspend the execution or imposition of sentence upon persons convicted of crime, where the punishment does not exceed five years imprisonment, and place such persons on probation, and may thereafter impose sentence or order sentence executed, or remit such punishment as may seem to the court right and just and to the best interest of society". Following the proposed amendment on the ballot shall be printed the word "yes" and immediately under that shall be printed the word "no". The choice of the elector shall be indicated by a cross-mark made by him, or under his direction opposite the word expressing his desire.

Section 4. That the votes cast at said election shall be counted, canvassed, and tabulated and return made to the Secretary of State in the same manner as in elections of representatives to the Leg-

islature; and if it thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment, voted in favor of same, such amendment shall become a part of the Constitution of Alabama, and shall be in all its intents and purposes valid as such a part of the Constitution.

Section 5. That the result of such election be made known by proclamation of the Governor.

Section 6. That the expenses and the cost of the publication of the notices, shall be paid out of the State Treasury.

The above and foregoing bill, S. 42, proposing an amendment to the Constitution, was read the second time at length and placed on the Calendar.

Mr. Taylor, Chairman of the Standing Committee on Constitution and Constitutional Amendments, reported that said committee, in session had acted on the following bill and ordered same returned to the House with a favorable report with substitute:

By Mr. Owen (Etowah):

H. 308. A Bill to be entitled An Act to provide for and submit to the qualified electors of the State of Alabama at an election to be held at the next General election after the final adjournment of the present session of the Legislature at which this amendment is proposed, An Amendment to the Constitution of Alabama whereby the following independent school districts: Andalusia, Attalla, Demopolis, Jasper, Opp, Sylacauga, and Tarrant City, as now or hereafter constituted, in the State of Alabama may levy and collect a Special District Tax not exceeding 30 cents on each one hundred dollars worth of taxable property in such district, in addition to that now authorized or that may hereafter be authorized, for public school purposes, and in addition to that now authorized under Section 260 of Article XIV and Section 2 of Article XIX of the Constitution, provided that the rate of such tax, the period it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of such School District and voted for by a majority of those voting at such election; provided further that the said district tax shall not be voted or collected in said districts unless and until the County in which said independent School District is located is levying and collecting not less than a 3-Mill County-wide Special School Tax.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of the State of Alabama for their consideration and actions at an election to be held at the next General Election after the final adjournment of the present session of the Legislature at which this amendment is proposed, to-wit: That the following in-

dependent school districts: Andalusia, Attalla, Demopolis, Jasper, Opp, Sylacauga, and Tarrant City in the State of Alabama shall have the power and the right to levy and collect a Special District Tax not exceeding 30 cents on each one hundred dollars worth of taxable property in such district, in addition to that now authorized or that may hereafter be authorized for public school purposes; and in addition to that now authorized under Section 2 of Article XIX of the Constitution and Section 260, Article XIV of the Constitution, provided that the rate of such tax, the period it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of such School District and voted for by a majority of those voting in such election; provided further that the said District Tax shall not be voted or collected in said Districts unless and until the County in which said school district is located is levying and collecting not less than a 3-Mill County-wide School Tax for the period for which the district levy is proposed.

Upon the request of the Board of Education of the cities of Andalusia, Attalla, Demopolis, Jasper, Opp, Sylacauga, and Tarrant City, respectively, to the Court of County Commissioners or other governing body of the county in which said city is located, said Court shall order an election to be held at the time requested by said Board of Education to determine whether or not said special tax shall be levied for public school purposes within said School Districts; said election to be held and returns made and result declared as provided in Article XIII of the School Code of 1927, or other method provided by general law for holding elections for levying school district taxes.

This Amendment shall be self executing and no Act of the Legislature shall be required to put the same in force.

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in the State at least four consecutive weeks next preceding the said election on the Amendment proposed by this Act to be submitted to the qualified electors of the State for their consideration, together with the proposed Amendment.

Section 3. That at the said election on the Amendment proposed by this Act to be submitted to the qualified electors of the State for their consideration, to be held as herein provided for, the qualified electors shall vote upon said Amendment and on the official ballots printed for such election there shall be printed the following, viz., "Shall the following be adopted as an Amendment to the Constitution of Alabama: The following independent School Districts: Andalusia, Attalla, Demopolis, Jasper, Opp, Sylacauga, and Tarrant City in the State of Alabama shall have the power and right to levy and collect annually a Special District Tax not ex-

ceeding 30 cents on each one hundred dollars worth of taxable property in such district, in addition to that now authorized or that may hereafter be authorized, for public school purposes; and in addition to that now authorized under Section 2 of Article XIX of the Constitution and Section 260, Article XIV of the Constitution, provided that the rate of such tax, the period it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of such School District and voted for by a majority of those voting in such election; provided further that the said District tax shall not be voted or collected in said Districts unless and until the County in which said school district is located is levying and collecting not less than a 3-Mill County-wide School Tax for the period for which the district levy is proposed.

Upon the request of the Board of Education of the cities of Andalusia, Attalla, Demopolis, Jasper, Opp, Sylacauga, and Tarrant City, respectively, to the Court of County Commissioners or other governing body of the county in which said city is located, said Court shall order an election to be held at the time requested by said Board of Education to determine whether or not said special tax shall be levied for public school purposes within said School District; said election to be held and returns made and result declared as provided in Article XIII of the School Code of 1927, or other method provided by general law for holding elections for levying school district taxes.

This Amendment shall be self executing and no Act of the Legislature shall be required to put the same in force.

-----Yes

-----No."

Section 4. That the officers who hold such election shall be the same and shall be appointed in the same manner and by the same officials as provided by the general election laws of the State of Alabama for the appointment of officers and the holding of general elections in this State, and the election shall be held under and in all things governed by and had in accordance with the Constitutional provisions touching amendments to the Constitution of the State of Alabama.

Section 5. That the votes cast at said election shall be counted, canvassed, and tabulated and return made to the Secretary of State in the same manner as in elections of representatives to the Legislature; and if it thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment, voted in favor of the same, such amendment shall become a part of the Constitution of Alabama, and shall be in all its intents and purposes valid as such part of the Constitution.

Section 6. The result of such election shall be made known by proclamation of the Governor.

Section 7: The expenses of the election herein provided for and the costs of the publication of the notices, shall be paid out of the State Treasury in the same manner that the expenses of general elections are paid.

The above and foregoing bill, H. 308, proposing an amendment to the Constitution, was read the second time at length and placed on the Calendar.

REPORT OF STANDING COMMITTEE ON ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Enrolled Bills reports that it has examined the following House bills, and finds same correctly enrolled, to-wit:

H. 25. To amend Section 291 of an act entitled, "An Act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

Also:

H. 60. To amend subsection 46 of Section 4556 of the code of Alabama of 1923.

Also:

H. 61. To authorize and empower the Board of Revenue or Court of County Commissioners or other governing body of each and every county in Alabama to expend an amount not to exceed one-third of the total amount that may be received by each county from the levy and collection of any tax on gasoline in the payment of any debt that may have been heretofore incurred by such county for the construction and/or maintenance of roads or bridges, and to ratify any such expenditure heretofore made.

Also:

H. 66. To amend an Act entitled An Act to amend Section 5742 of the Code of Alabama of 1923, approved July 23, 1931.

Also:

H. 71. To repeal Sections 8653, 8654, 8655, 8656, 8657 and 8658 of the 1923 Code of Alabama.

Also:

H. 110. To Amend Section 3759 of the Code of Alabama of 1923 relating to Solicitor's fees for convictions in misdemeanor cases in County Courts and Inferior Courts, so as to read as follows:

Also:

H. 24. To amend an Act entitled, "An Act to amend Section 269 of an Act entitled 'An act to provide for the general revenue of the State of Alabama' approved July 10, 1935", approved September 4th, 1935.

Also:

H. 39. To Amend Section 6667 Of The 1923 Code Of Alabama.

Also:

H. 95. To authorize and empower the State Treasurer to pay to the owners of warrant refunding bonds issued under the authority of the Constitutional Amendment known as "The Debt Refunding Amendment, Act No. 179, passed April 14, 1933, Acts 1933, p. 196, and under the authority of Act No. 177, approved April 17, 1933, authorizing the issuance of such bonds pursuant to the authority of such Constitutional Amendment, the amount of such bonds with interest through July 1, 1935, when the bonds belonging to such owners have been lost, stolen or destroyed; to provide the method of such payment; to provide the proof of such loss and to provide for indemnifying the State Treasurer for such payment and to provide punishment for any false statement in connection therewith.

Also:

H. 104. To amend section 8605 of the Code of Alabama 1923.

Also:

H. 111. To make appropriation of Two Hundred Thousand Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to defray the expenses of the present session of the Legislature.

Also:

H. 175. To amend Section 3 of an Act entitled "An Act to provide for the election of County Superintendent of Education for Limestone County, Alabama, to fix his term of office, to prescribe his salary and the manner of payment, to define his qualifications, powers and duties, and to provide for his successor in office", approved June 21, 1931 by providing an expense allowance to said Superintendent of Education.

Also:

H. 242. To prohibit in all counties which now have or which may hereafter have a population of more than 25,000 and less than 26,000 inhabitants according to the last or any subsequent Federal census, the catching, capturing, killing or pursuing with intent to catch, capture or kill, by any means, wild hogs, unmarked, except during the month of December.

Dan Gullett Cook,
Chairman.

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote

of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

MESSAGE FROM THE SENATE

Mr. Speaker :

The Senate has originated and passed the following bill :

By Mr. Simpson :

S. 117. To provide for a more economical, convenient and uniform system of assessing and collecting taxes on real estate in all Counties having a population of forty thousand or more, according to the last Federal census.

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bill, S. 117, the title to which is set out in the above and foregoing Message from the Senate, was read one time and referred to the Standing Committee on Judiciary.

MESSAGE FROM THE GOVERNOR

The House received the following Message from His Excellency, the Governor :

"To the House of Representatives,
Montgomery, Ala.
Gentlemen:

I return herewith to you, the body in which it originated, House Bill No. 64 without my approval.

I suggest the following executive amendment which, if adopted, will meet my objection to the bill:

Amend said bill by adding at the end of Section 1 the following:

"Provided, however, that nothing contained herein shall be held or construed to authorize or empower any Court of County Commissioners, Boards of Revenue or like governing body of any county in this State, or the governing body of any municipality within this State, or the State Tax Commission or any of its agencies, to exempt from taxation, either as to ad valorem, franchise or capital stock, any plant, factory or other institution herein mentioned, whether a corporation, individual or partnership, where such plant, factory, addition thereto or machinery and equipment have been built or completed, or the machinery or equipment therein installed, prior to the passage of this Act, it being the intention of this provision not to exempt any plant, factory or institution herein mentioned from any taxation which is now subject."

Respectfully,

BIBB GRAVES,
Governor.

March 18, 1936."

GOVERNOR'S MESSAGE

The House proceeded to the consideration of the Message from His Excellency, the Governor, proposing an amendment to the bill:

H. 64. To amend Section 3 of Article I of An Act entitled "An Act to provide for the General Revenue of the State of Alabama," approved July 10, 1935.

The said amendment of the Governor being set out in the above and foregoing Message from the Governor. And the House concurred in and adopted the amendment of the Governor by a majority of the whole number elected to the House, said vote being:

Yeas, 65; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Goodwyn	Miller	Sightler
Austin	Hamner	Moore	Sparks (Barbour)
Blann	Hanks	McDermott	Sparks (Walker)
Boswell	Henson	McGowin	Spence
Bridges	Hill	McPhaul	Steele
Byars	Hodges	Norman (Lowndes)	Street
Calhoun	Hollis	Owens (Madison)	Taylor
Castleberry	Johnston	Parish (Henry)	Terry
Chichester	Jones	Parish (Pike)	Tidmore
Connor	Kirby	Petrey	Todd
Cook	Livingston	Quarles	Tompkins
Cox	Long	Rayburn	Toomer
Davis	Lusk	Reeder	Waldrep
Delony	Matthews	Reid	Wallace
De Vane	Merrill	Robertson (Cullman)	Welch
Dominick	Miles	Shipman	Whigham
Doster			

—65

And the bill, H. 64, as amended by the amendment of the Governor, was again read a third time at length and passed by a majority of the whole number elected to the House, said vote being:

Yeas, 65; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Davis	Johnston	McGowin
Austin	Delony	Jones	McPhaul
Blann	De Vane	Kirby	Norman (Lowndes)
Boswell	Dominick	Livingston	Owens (Madison)
Bridges	Doster	Long	Parish (Henry)
Byars	Goodwyn	Lusk	Parish (Pike)
Calhoun	Hamner	Matthews	Petrey
Castleberry	Hanks	Merrill	Quarles
Chichester	Henson	Miles	Rayburn
Connor	Hill	Miller	Reeder
Cook	Hodges	Moore	Reid
Cox	Hollis	McDermott	Robertson (Cullman)

Shipman	Steele	Tidmore	Waldrep
Sightler	Street	Todd	Wallace
Sparks (Barbour)	Taylor	Tompkins	Welch
Sparks (Walker)	Terry	Toomer	Whigham
Spence			

—65

BILL ON THIRD READING

S. 107. To authorize and direct the Board of Revenue of Calhoun County, Alabama to pay for advertising the notice and substance of local bills to be introduced or having been introduced in the Legislature for said County when the bill applies to the whole County.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Doster	Langdon	Reid
Adams	Douglass	Long	Reynolds
Arnold	Glover	Lusk	Sanderson
Austin	Goodwyn	Miles	Sanford
Bateman	Goolsby	Miller	Shaver
Blann	Hall	Moore	Shipman
Bridges	Hanks	McGowin	Sightler
Britton	Hare	McPhaul	Spence
Byars	Harrison	Norman (Lowndes)	Steele
Calhoun	Hendley	Owens (Madison)	Street
Chichester	Hill	Parish (Pike)	Taylor
Connor	Hodges	Petrey	Terry
Cook	Hollis	Propst	Todd
Cox	Johnston	Quarles	Tolbert
Davis	Jones	Rayburn	Wallace
Delony	Kelly	Reeder	Welch
Dominick	Kirby		

—66

RECOMMITTAL OF BILL

On motion of Mr. Petrey, the bill:

S. 100. To fix the open season for shooting doves in Crenshaw County, Alabama.

Was recommitted to the Standing Committee on Game, Fish and Fisheries.

BILLS ON THIRD READING

S. 99. For the relief of I. R. Reddoch, Judge of Probate of Crenshaw County, Alabama.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Doster	Langdon	Reid
Adams	Douglass	Long	Reynolds
Arnold	Glover	Lusk	Sanderson
Austin	Goodwyn	Miles	Sanford
Bateman	Goolsby	Miller	Shaver
Blann	Hall	Moore	Shipman
Bridges	Hanks	McGowin	Sightler
Britton	Hare	McPhaul	Spence
Byars	Harrison	Norman (Lowndes)	Steele
Calhoun	Hendley	Owens (Madison)	Street
Chichester	Hill	Parish (Pike)	Taylor
Connor	Hodges	Petrey	Terry
Cook	Hollis	Propst	Todd
Cox	Johnston	Quarles	Tolbert
Davis	Jones	Rayburn	Wallace
Delony	Kelly	Reeder	Welch
Dominick	Kirby		

—66

H. 68. To provide for and authorize the dismissal in and by the Circuit Court, of appeals to the Circuit Court from judgments of conviction rendered in any court subordinate or inferior to or lower than the Circuit Court, and to define and fix the effects and consequences of such dismissals.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Doster	Langdon	Reid
Adams	Douglass	Long	Reynolds
Arnold	Glover	Lusk	Sanderson
Austin	Goodwyn	Miles	Sanford
Bateman	Goolsby	Miller	Shaver
Blann	Hall	Moore	Shipman
Bridges	Hanks	McGowin	Sightler
Britton	Hare	McPhaul	Spence
Byars	Harrison	Norman (Lowndes)	Steele
Calhoun	Hendley	Owens (Madison)	Street
Chichester	Hill	Parish (Pike)	Taylor
Connor	Hodges	Petrey	Terry
Cook	Hollis	Propst	Todd
Cox	Johnston	Quarles	Tolbert
Davis	Jones	Rayburn	Wallace
Delony	Kelly	Reeder	Welch
Dominick	Kirby		

—66

On motion of Mr. Welch the bill, H. 68, was ordered sent forthwith to the Senate without engrossment.

H. 202. To prohibit the furnishing by the Board of County Commissioners, or like governing body, of Madison County, Alabama, of any automobile or other conveyance, or motor fuel or oil, to any member of said Board, or governing body, for use by him in the prosecution of his duties or employment as a member of such Board, or otherwise; and to prohibit the use of any such articles by any member of such Board, or governing body, furnished in violation of the provisions of this Act, and to fix the penalty for such violations.

Was taken up. Mr. Owens (Madison) offered the following amendment to the bill, H. 202:

AMENDMENT TO HOUSE BILL NO. 202 BY MR OWENS
(MADISON)

Amend House Bill No. 202 by adding at the end of Section 1 of said Bill the following, "Provided, however, that it shall be lawful for any member of the Board of Commissioners when engaged in the performance of his duties as such Commissioner, to use any truck belonging to Madison County, Alabama, the expense of operating the same to be paid for by Madison County."

And the amendment was adopted.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Doster	Langdon	Reid
Adams	Douglass	Long	Reynolds
Arnold	Glover	Lusk	Sanderson
Austin	Goodwyn	Miles	Sanford
Bateman	Goolsby	Miller	Shaver
Blann	Hall	Moore	Shipman
Bridges	Hanks	McGowin	Sightler
Britton	Hare	McPhaul	Spence
Byars	Harrison	Norman (Lowndes)	Steele
Calhoun	Hendley	Owens (Madison)	Street
Chichester	Hill	Parish (Pike)	Taylor
Connor	Hodges	Petrey	Terry
Cook	Hollis	Propst	Todd
Cox	Johnston	Quarles	Tolbert
Davis	Jones	Rayburn	Wallace
Delony	Kelly	Reeder	Welch
Dominick	Kirby		

—66

And the bill:

H. 202. To prohibit the furnishing by the Board of County Commissioners, or like governing body, of Madison County, Alabama, of any automobile or other conveyance, or motor fuel or oil, to any member of said Board, or governing body, for use by him in the prosecution of his duties or employment as a member of such

Board, or otherwise; and to prohibit the use of any such articles by any member of such Board, or governing body, furnished in violation of the provisions of this Act, and to fix the penalty for such violations.

As amended, was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Doster	Langdon	Reid
Adams	Douglass	Long	Reynolds
Arnold	Glover	Lusk	Sanderson
Austin	Goodwyn	Miles	Sanford
Bateman	Goolsby	Miller	Shaver
Blann	Hall	Moore	Shipman
Bridges	Hanks	McGowin	Sightler
Britton	Hare	McPhaul	Spence
Byars	Harrison	Norman (Lowndes)	Steele
Calhoun	Hendley	Owens (Madison)	Street
Chichester	Hill	Parish (Pike)	Taylor
Connor	Hodges	Petrey	Terry
Cook	Hollis	Propst	Todd
Cox	Johnston	Quarles	Tolbert
Davis	Jones	Rayburn	Wallace
Delony	Kelly	Reeder	Welch
Dominick	Kirby		

--66

On motion of Mr. Owens (Madison), the bill, H. 202, was ordered sent forthwith to the Senate without engrossment.

H. 201. To require two thirds of the tax now levied and collected on gasoline, Woco-Pep, or other substitutes therefore, by the Board of County Commissioners of Madison County, Alabama, under authority of an Act of the Legislature approved September 20, 1923, and amendments thereto, to be used for the purpose of creating a sinking fund for the retirement of One hundred thousand (\$100,000.00) Dollars in bonds (authorized by an election held in said County on May 9, 1921), and the payment of interest on same, to be issued by Madison County, Alabama, for the purpose of constructing and improving roads in said County; to require the County Board of Commissioners, or like governing body, of said County, to set aside said funds for said purpose; to fix the date on which said payments into such sinking fund shall begin; authorizing the Board of County Commissioners, or like governing body, of said County to purchase and retire before maturity said bonds, or any portion thereof with said funds so set aside; and providing that upon final payment of said bonds with interest, and the retirement of same, all such payments into such sinking fund so created shall cease.

Was taken up. Mr. Shaver offered the following amendment to the bill, H. 201:

AMENDMENT TO HOUSE BILL NO. 201 BY MR. SHAVER

Amend the caption to House Bill No. 201 by striking therefrom the words "two thirds" wherever the same appear therein, and inserting in lieu therefor the words "one third."

Amend Sections 1 and Section 2 of House Bill No. 201 by striking therefrom the words "two thirds" wherever they appear in each of said sections and inserting in lieu therefor the words "one third."

And the amendment was adopted.

Yeas, 66; Nays, 0.

Yeas:**Messrs.:**

Mr. Speaker	Doster	Langdon	Reid
Adams	Douglass	Long	Reynolds
Arnold	Glover	Lusk	Sanderson
Austin	Goodwyn	Miles	Sanford
Bateman	Goolsby	Miller	Shaver
Blann	Hall	Moore	Shipman
Bridges	Hanks	McGowin	Sightler
Britton	Hare	McPhaul	Spence
Byars	Harrison	Norman (Lowndes)	Steele
Calhoun	Hendley	Owens (Madison)	Street
Chichester	Hill	Parish (Pike)	Taylor
Connor	Hodges	Petrey	Terry
Cook	Hollis	Propst	Todd
Cox	Johnston	Quarles	Tolbert
Davis	Jones	Rayburn	Wallace
Delony	Kelly	Reeder	Welch
Dominick	Kirby		

—66

And the bill:

H. 201. To require two thirds of the tax now levied and collected on gasoline, Woco-Pep, or other substitutes therefore, by the Board of County Commissioners of Madison County, Alabama, under authority of an Act of the Legislature approved September 20, 1923, and amendments thereto, to be used for the purpose of creating a sinking fund for the retirement of One hundred thousand (\$100,000.00) Dollars in bonds (authorized by an election held in said County on May 9, 1921), and the payment of interest on same, to be issued by Madison County, Alabama, for the purpose of constructing and improving roads in said County; to require the County Board of Commissioners, or like governing body, of said County, to set aside said funds for said purpose; to fix the date on which said payments into such sinking fund shall begin; authorizing the Board of County Commissioners, or like governing body, of said County to purchase and retire before maturity said bonds, or any portion thereof with said funds so set aside; and providing that upon final payment of said bonds with interest, and the retirement of same, all such payments into such sinking fund so created shall cease.

As amended, was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Doster	Langdon	Reid
Adams	Douglass	Long	Reynolds
Arnold	Glover	Lusk	Sanderson
Austin	Goodwyn	Miles	Sanford
Bateman	Goolsby	Miller	Shaver
Blann	Hall	Moore	Shipman
Bridges	Hanks	McGowin	Sightler
Britton	Hare	McPhaul	Spence
Byars	Harrison	Norman (Lowndes)	Steele
Calhoun	Hendley	Owens (Madison)	Street
Chichester	Hill	Parish (Pike)	Taylor
Connor	Hodges	Petrey	Terry
Cook	Hollis	Propst	Todd
Cox	Johnston	Quarles	Tolbert
Davis	Jones	Rayburn	Wallace
Delony	Kelly	Reeder	Welch
Dominick	Kirby		

—66

On motion of Mr. Shaver the bill, H. 201, was ordered sent forthwith to the Senate without engrossment.

H. 182. To fix and regulate the fees of witnesses in criminal cases in the Circuit Court of Madison County, Alabama, and before the Grand Jury of said County; to provide for the presentation of claims of such fees, and to provide for the payment thereof; and to provide for the collection of witness fees and for the disposition of the same.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Doster	Langdon	Reid
Adams	Douglass	Long	Reynolds
Arnold	Glover	Lusk	Sanderson
Austin	Goodwyn	Miles	Sanford
Bateman	Goolsby	Miller	Shaver
Blann	Hall	Moore	Shipman
Bridges	Hanks	McGowin	Sightler
Britton	Hare	McPhaul	Spence
Byars	Harrison	Norman (Lowndes)	Steele
Calhoun	Hendley	Owens (Madison)	Street
Chichester	Hill	Parish (Pike)	Taylor
Connor	Hodges	Petrey	Terry
Cook	Hollis	Propst	Todd
Cox	Johnston	Quarles	Tolbert
Davis	Jones	Rayburn	Wallace
Delony	Kelly	Reeder	Welch
Dominick	Kirby		

—66

On motion of Mr. Owens (Madison) the bill, H. 182, was ordered sent forthwith to the Senate without engrossment.

H. 301. For the relief of Thomas W. Jones, formerly Probate Judge of Madison County, Alabama.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Doster	Langdon	Reid
Adams	Douglass	Long	Reynolds
Arnold	Glover	Lusk	Sanderson
Austin	Goodwyn	Miles	Sanford
Bateman	Goolsby	Miller	Shaver
Blann	Hall	Moore	Shipman
Bridges	Hanks	McGowin	Sightler
Britton	Hare	McPhaul	Spence
Byars	Harrison	Norman (Lowndes)	Steele
Calhoun	Hendley	Owens (Madison)	Street
Chichester	Hill	Parish (Pike)	Taylor
Connor	Hodges	Petrey	Terry
Cook	Hollis	Propst	Todd
Cox	Johnston	Quarles	Tolbert
Davis	Jones	Rayburn	Wallace
Delony	Kelly	Reeder	Welch
Dominick	Kirby		

—66

On motion of Mr. Owens (Madison) the bill, H. 301, was ordered sent forthwith to the Senate without engrossment.

H. 290. To permit moving picture shows on Sunday, whether admission is charged therefor or not, in the City of Guntersville, Alabama, and within the police jurisdiction thereof.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Doster	Langdon	Reid
Adams	Douglass	Long	Reynolds
Arnold	Glover	Lusk	Sanderson
Austin	Goodwyn	Miles	Sanford
Bateman	Goolsby	Miller	Shaver
Blann	Hall	Moore	Shipman
Bridges	Hanks	McGowin	Sightler
Britton	Hare	McPhaul	Spence
Byars	Harrison	Norman (Lowndes)	Steele
Calhoun	Hendley	Owens (Madison)	Street
Chichester	Hill	Parish (Pike)	Taylor
Connor	Hodges	Petrey	Terry
Cook	Hollis	Propst	Todd
Cox	Johnston	Quarles	Tolbert
Davis	Jones	Rayburn	Wallace
Delony	Kelly	Reeder	Welch
Dominick	Kirby		

—66

On motion of Mr. Rayburn the bill, H. 290, was ordered sent forthwith to the Senate without engrossment.

H. 296. To establish a Court of County Commissioners for Marshall County, Alabama, in lieu of the Board of Revenue as now provided by law for said County; to fix the number of members thereof, and to prescribe the districts of said Court, to provide for the appointment and election of the members of said Court, to fix their duties, powers, compensation and terms of office; to provide that the Judge of Probate of Marshall County, Alabama, shall be Ex-Officio Judge and Chairman of said Court; to fix his powers, duties and compensation, and provide for its payment and provide that all laws and parts of laws, both general and special, in conflict with the provisions of this Act be, and the same are hereby repealed, and to provide when said Act shall go into effect.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Doster	Langdon	Reid
Adams	Douglass	Long	Reynolds
Arnold	Glover	Lusk	Sanderson
Austin	Goodwyn	Miles	Sanford
Bateman	Goolsby	Miller	Shaver
Blann	Hall	Moore	Shipman
Bridges	Hanks	McGowin	Sightler
Britton	Hare	McPhaul	Spence
Byars	Harrison	Norman (Lowndes)	Steele
Calhoun	Hendley	Owens (Madison)	Street
Chichester	Hill	Parish (Pike)	Taylor
Connor	Hodges	Petrey	Terry
Cook	Hollis	Propst	Todd
Cox	Johnston	Quarles	Tolbert
Davis	Jones	Rayburn	Wallace
Delony	Kelly	Reeder	Welch
Dominick	Kirby		

—66

On motion of Mr. Rayburn the bill, H. 296, was ordered sent forthwith to the Senate without engrossment.

H. 291. To alter the corporate limits of the City of Guntersville, Marshall County, Alabama, and to rearrange and define the boundaries thereof:

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Arnold	Bateman	Bridges
Adams	Austin	Blann	Britton

Byars	Hanks	Miller	Sanderson
Calhoun	Hare	Moore	Sanford
Chichester	Harrison	McGowin	Shaver
Connor	Hendley	McPhaul	Shipman
Cook	Hill	Norman (Lowndes)	Sightler
Cox	Hodges	Owens (Madison)	Spence
Davis	Hollis	Parish (Pike)	Steele
Delony	Johnston	Petrey	Street
Dominick	Jones	Propst	Taylor
Doster	Kelly	Quarles	Terry
Douglass	Kirby	Rayburn	Todd
Glover	Langdon	Reeder	Tolbert
Goodwyn	Long	Reid	Wallace
Goolsby	Lusk	Reynolds	Welch
Hall	Miles		

—66

On motion of Mr. Rayburn the bill, H. 291, was ordered sent forthwith to the Senate without engrossment.

H. 292. To require 25% of the total funds received by Marshall County, Alabama, from the levy and collection by the State of Alabama of gasoline taxes, or taxes on other motor fuels, but not to exceed the sum of \$60,000.00 to be used for the purpose of establishing a sinking fund for the retirement, first, of the outstanding obligations and indebtedness chargeable against and due by Marshall County out of the road and bridge fund or gasoline tax fund of said County, and second after such retirement and balance of said sum as a sinking fund for the retirement of the principal of all bonds issued against the road and bridge fund of Marshall County, which bonds were issued for the purpose of constructing public roads and bridges in said County, requiring the County Treasurer or other like official or depository of said County to set aside said funds for said purposes, and authorizing the Commissioners Court of said County to purchase and retire before maturity said bonds or any portion thereof with said funds after having first discharged the other obligations against either of said funds, provided that on final payment and retirement of said obligations and of said bonds all funds received by said County from said gasoline taxes or taxes on other motor fuels shall be used as provided by the general laws of Alabama, and to provide the time when this Act shall take effect.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker

Adams

Arnold

Austin

Bateman

Blann

Bridges

Britton

Byars

Calhoun

Chichester

Connor

Cook

Cox

Davis

Delony

Dominick	Hollis	Norman (Lowndes)	Shaver
Doster	Johnston	Owens (Madison)	Shipman
Douglass	Jones	Parish (Pike)	Sightler
Glover	Kelly	Petrey	Spence
Goodwyn	Kirby	Propst	Steele
Goolsby	Langdon	Quarles	Street
Hall	Long	Rayburn	Taylor
Hanks	Lusk	Reeder	Terry
Hare	Miles	Reid	Todd
Harrison	Miller	Reynolds	Tolbert
Hendley	Moore	Sanderson	Wallace
Hill	McGowin	Sanford	Welch
Hodges	McPhaul		

—66

On motion of Mr. Rayburn the bill, H. 292, was ordered sent forthwith to the Senate without engrossment.

H. 302. To amend an Act entitled an Act, To fix the salary of the Judge of Probate in all counties in this State which may hereafter have a population of seventy-five thousand people and less than one hundred thousand people according to the last Federal census or any such census which may hereafter be taken and to regulate the payment of same; to provide for the selection of clerical help and other assistance to said Judges of Probate and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such Judge of Probate, and to provide for an election clerk to be appointed by said Judges of Probate, who shall also be ex-officio clerk of the Board of Registrars in said counties, define his duties and fix his compensation; and to require all of said Judges of Probate to pay into the County Treasury of said counties all costs, charges and courts, fees and commissions authorized by law to be collected by said Judges of Probate as other moneys belonging to said counties are paid.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Cox	Hendley	Moore
Adams	Davis	Hill	McGowin
Arnold	Delony	Hodges	McPhaul
Austin	Dominick	Hollis	Norman (Lowndes)
Bateman	Doster	Johnston	Owens (Madison)
Blann	Douglass	Jones	Parish (Pike)
Bridges	Glover	Kelly	Petrey
Britton	Goodwyn	Kirby	Propst
Byars	Goolsby	Langdon	Quarles
Calhoun	Hall	Long	Rayburn
Chichester	Hanks	Lusk	Reeder
Connor	Hare	Miles	Reid
Cook	Harrison	Miller	Reynolds

Sanderson	Sightler	Taylor	Tolbert
Sanford	Spence	Terry	Wallace
Shaver	Steele	Todd	Welch
Shipman	Street		

—66

On motion of Mr. Sanderson the bill, H. 302, was ordered sent forthwith to the Senate without engrossment.

H. 293. To Authorize and Empower the Board of Revenue of Shelby County, Alabama, to use so much of the funds derived from the excise tax on gasoline, or other liquid motor fuels, levied under the Act of the Legislature of Alabama, and entitled, "An Act to Provide for the General Revenue of the State of Alabama", and as further provided in Article 8, Chapter 4, and by Schedule 156.1 of said Act, "imposing an excise tax on every distributor, refiner, retail dealer, or storer of gasoline,—providing for the collection and payment of such tax and the distribution of the funds derived therefrom, and fixing the penalties for the violation of any provisions thereof", which is to be paid to Shelby County, Alabama, under the provision of Schedule 156.9, as provided for in Article 8, Chapter 4, of an Act of the Legislature of Alabama, approved July 10th, 1935, and entitled, "An Act to Provide for the General Revenue of the State of Alabama", being House Bill No. 324, for the purpose of paying the compensation of such members of the Board of Revenue of Shelby County, Alabama, while acting as road supervisors in said County for their respective districts, as now provided by law, and to authorize the County Treasurer of Shelby County, Alabama, to immediately upon the passage and approval of this Act to set aside a sufficient sum of said gas tax to be used for the payment of the compensation provided for in Section 1 of this Act.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Doster	Langdon	Reid
Adams	Douglass	Long	Reynolds
Arnold	Glover	Lusk	Sanderson
Austin	Goodwyn	Miles	Sanford
Bateman	Goolsby	Miller	Shaver
Blann	Hall	Moore	Shipman
Bridges	Hanks	McGowin	Sightler
Britton	Hare	McPhaul	Spence
Byars	Harrison	Norman (Lowndes)	Steele
Calhoun	Hendley	Owens (Madison)	Street
Chichester	Hill	Parish (Pike)	Taylor
Connor	Hodges	Petrey	Terry
Cook	Hollis	Propst	Todd
Cox	Johnston	Quarles	Tolbert
Davis	Jones	Rayburn	Wallace
Delony	Kelly	Reeder	Welch
Dominick	Kirby		

—66

On motion of Mr. Reid the bill, H. 293, was ordered sent forth-with to the Senate without engrossment.

S. 95. To authorize and empower any municipal corporation located in Tuscaloosa County, Alabama, to use for general purposes all or any part of the funds derived by it under the provisions of an Act of the Legislature of Alabama, approved September 9th, 1935, entitled "An Act to authorize the Board of Revenue of Tuscaloosa County, Alabama, to levy and collect a privilege tax on all persons, Corporations, Co-partnerships, Companies, Agencies, Associations and Refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naptha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil", "fuel oil", or "crude oil"; commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; To authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; To make provision for the distribution of the funds derived from said privilege tax; To prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis; To repeal the municipal privilege, excise and/or license taxes on gasoline, Woco-Pep, or any other Motor fuel used by self propelled vehicles which may now be collected or levied by any incorporated city or town in said County; To provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; To repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective."

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Cook	Hare	Lusk
Adams	Cox	Harrison	Miles
Arnold	Davis	Hendley	Miller
Austin	Delony	Hill	Moore
Bateman	Dominick	Hodges	McGowin
Blann	Doster	Hollis	McPhaul
Bridges	Douglass	Johnston	Norman (Lowndes)
Britton	Glover	Jones	Owens (Madison)
Byars	Goodwyn	Kelly	Parish (Pike)
Calhoun	Goolsby	Kirby	Petrey
Chichester	Hall	Langdon	Propst
Connor	Hanks	Long	Quarles

Rayburn	Sanford	Steele	Todd
Reeder	Shaver	Street	Tolbert
Reid	Shipman	Taylor	Wallace
Reynolds	Sightler	Terry	Welch
Sanderson	Spence		

—66

S. 96. To authorize and empower the Board of Revenue of Tuscaloosa County, Alabama, to use a portion, or so much thereof as may be necessary, of the funds which are to be paid to Tuscaloosa County, Alabama, under the provisions of Article 13, Chapter IV, of the Act of the Legislature of Alabama approved July 10, 1935, entitled "An Act to Provide for the General Revenue of the State of Alabama," for the purpose of paying interest on, and establishing a sinking fund for the retirement of, any bonds of Tuscaloosa County, Alabama, which have been sold, or which may hereafter be sold, to provide funds for paving or aiding in the paving of any public roads in Tuscaloosa County which are, or which hereafter may be, designated as State Aid Roads by the State Highway Commission of Alabama, and which State Highway Commission with State funds or State and Federal Aid funds has improved and has let contracts for paving and has paved, or which it may hereafter improve and let contracts for paving, and that all laws and parts of laws in conflict with the provisions of this Act be repealed insofar as they apply to Tuscaloosa County, Alabama.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Doster	Langdon	Reid
Adams	Douglass	Long	Reynolds
Arnold	Glover	Lusk	Sanderson
Austin	Goodwyn	Miles	Sanford
Bateman	Goolsby	Miller	Shaver
Blann	Hall	Moore	Shipman
Bridges	Hanks	McGowin	Sightler
Britton	Hare	McPhaul	Spence
Byars	Harrison	Norman (Lowndes)	Steele
Calhoun	Hendley	Owens (Madison)	Street
Chichester	Hill	Parish (Pike)	Taylor
Connor	Hodges	Petrey	Terry
Cook	Hollis	Propst	Todd
Cox	Johnston	Quarles	Tolbert
Davis	Jones	Rayburn	Wallace
Delony	Kelly	Reeder	Welch
Dominick	Kirby		

—66

S. 97. To provide a fund for the support of a law library for the circuit court of Tuscaloosa County, Alabama, without appropriations from the State or county treasury, by the assessment and collection of court costs in all actions, suits, cases and proceedings

hereafter filed in or brought to the circuit court of Tuscaloosa County, Alabama, and to fix the custodian of said funds and to provide regulations for the purchase, custody and handling of said library.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Doster	Langdon	Reid
Adams	Douglass	Long	Reynolds
Arnold	Glover	Lusk	Sanderson
Austin	Goodwyn	Miles	Sanford
Bateman	Goolsby	Miller	Shaver
Blann	Hall	Moore	Shipman
Bridges	Hanks	McGowin	Sightler
Britton	Hare	McPhaul	Spence
Byars	Harrison	Norman (Lowndes)	Steele
Calhoun	Hendley	Owens (Madison)	Street
Chichester	Hill	Parish (Pike)	Taylor
Connor	Hodges	Petrey	Terry
Cook	Hollis	Propst	Todd
Cox	Johnston	Quarles	Tolbert
Davis	Jones	Rayburn	Wallace
Delony	Kelly	Reeder	Welch
Dominick	Kirby		

—66

S. 92. To allow the sheriff of Elmore County an additional deputy; to provide for his appointment, qualification by giving bond, to hold office at the pleasure of said sheriff, to fix his compensation and provide for payment thereof out of the general fund of the county; and to provide for appointment of a successor where such deputy is removed, dies or resigns.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Davis	Hodges	Norman (Lowndes)
Adams	Delony	Hollis	Owens (Madison)
Arnold	Dominick	Johnston	Parish (Pike)
Austin	Doster	Jones	Petrey
Bateman	Douglass	Kelly	Propst
Blann	Glover	Kirby	Quarles
Bridges	Goodwyn	Langdon	Rayburn
Britton	Goolsby	Long	Reeder
Byars	Hall	Lusk	Reid
Calhoun	Hanks	Miles	Reynolds
Chichester	Hare	Miller	Sanderson
Connor	Harrison	Moore	Sanford
Cook	Hendley	McGowin	Shaver
Cox	Hill	McPhaul	Shipman

Sightler
Spence
Steele

Street
Taylor
Terry

Todd
Tolbert

Wallace
Welch

—66

On motion of Mr. Harrison the House resolved itself into a Committee of the Whole for the consideration of H. 180, H. 21 and other bills relating to the general revenue of the State of Alabama. Speaker Walker, under rules of the House, appointed Representative Robertson (Cullman) as chairman of the Committee of the Whole.

COMMITTEE OF THE WHOLE

The Committee of the Whole considered H. 180, H. 21 and other measures relating to the general revenue of the State of Alabama and voted to make a recommendation to the House that H. 180 and H. 21 be passed with substitutes prepared by the Committee of the Whole.

RECONVENING OF THE HOUSE

The House was called to order by Speaker Walker.

BILLS ON THIRD READING

H. 180. To provide for the general revenue of the State of Alabama.

Was taken up. Mr. Robertson (Cullman), Chairman of the Committee of the Whole, offered the following substitute for the bill, H. 180:

Substitute for H. 180:

A BILL

To be entitled an Act to legalize and regulate the manufacture, sale and possession of alcohol, and alcoholic and malt beverages in Alabama; to create the office of Alcoholic Beverage Commissioner, to fix his term of office, compensation, and powers, and provide for his appointment; to provide and levy a license upon the sale of alcohol and alcoholic and malt beverages, and to levy an excise tax thereon, and to regulate their manufacture, possession, sale and transportation, and to provide for the general revenue of the State of Alabama; and to repeal all laws in conflict with this Act.

Be it enacted by the Legislature of Alabama:

ALCOHOLIC BEVERAGES—STATE POLICE POWERS.

Section 1. That this Act shall be deemed an exercise of the police powers of the State for the protection of the economic welfare, health, peace and morals of the people of the State, and to prohibit forever the open saloon; and it is hereby declared that all the provisions of this Act and the classifications and differentiations herein made and/or authorized to be made, are actually and substantially related to the accomplishment of the object of this Act and necessary to effectuate its purpose; and it is declared that alcohol and all beverages containing alcohol shall be subject to the provisions of this Act; and all of the provisions of this Act shall be liberally construed for the accomplishment of this purpose.

MANUFACTURE AND SALE—TEMPERANCE.

Section 2. No person shall for commercial purposes manufacture for sale, bottle, sell, barter, import, transport, deliver, furnish or possess, any alcohol or alcoholic beverages, malt, malt syrup, malt extract, liquid malt or wort, except as authorized in this act, and all of the provisions of this Act shall be liberally construed to the end that the use of intoxicating liquor as a beverage may be limited and temperance encouraged; Provided, that any manufacturing, bottling, selling, bartering, transporting, delivering, furnishing, or possessing elsewhere than in one's own home any alcohol or alcoholic beverage shall be deemed presumptively for commercial purposes.

DEFINITIONS.

Section 3. (a) The words "Alcoholic beverages", whenever used in this Act, shall be construed to mean all malt, vinous, or spirituous beverages containing alcohol.

(b) The words "beer" or "malt beverages", whenever used in this Act, shall be construed to mean ale, stout, lager beer, porter and the like.

(c) "Alcoholic spirituous beverages" shall be construed to mean any beverage containing alcohol obtained by distillation or other method mixed with drinkable water and/or other substances in solution and including, among other things, brandy, rum, whiskey, gin and cordials, but not including wines containing less than twenty-one (21%) percentum of alcohol reckoned by volume; and Provided, further, that it does not include industrial alcohol.

(d) The words "wine" or "alcoholic vinous beverages", whenever used in this Act, shall be construed to mean any alcoholic beverages obtained by the fermentation of the natural sugar contents of fruits or other agricultural products, but in no case shall said beverages therein defined, having alcoholic content, contain

more than twenty-one (21%) percentum of alcohol reckoned by volume.

(e) The words "malt articles" when used in this Act shall be construed to mean and include malt, malt syrup, malt extract, liquid malt, or wort, and their containers.

(f) The word "club", whenever used in this Act, shall be construed to mean a corporation or association organized or formed in good faith by authority of law, which has been in active continuous existence for at least three years prior to the date on which an application for permit is filed by such corporation or association with the proper officer under this law, as hereinafter provided, and which has in good faith maintained a membership roll during said three years, and has at the time the application is filed more than fifty members with dues paid to date, and which is the owner, lessee, or occupant of an establishment operated solely for objects of a national, social, patriotic, political or athletic nature, or the like, but not for pecuniary gain, and the property as well as the advantages of which belong to all the members thereof, provided, that no permit shall be issued in any case outside the limits of any city or incorporated town where the club is likely or disposed to avail itself of such permit for maintaining or operating a night club or roadhouse, as the same is commonly understood, and the maintenance or operation of either a night club or a roadhouse by such permit shall constitute a ground for revocation of its permit. "Night Club", within the meaning of this paragraph (f) shall include an establishment situated outside the corporate limits of any incorporated city or town which is not patronized or but irregularly patronized during the daylight hours, and is not patronized regularly for outdoor exercise during seasonable weather, and which attracts patronage by reason of entertainment at night, and a considerable or larger portion of the income of which is derived from night attendance. "Roadhouse" within the meaning of this paragraph (f) shall include an establishment situated outside the corporate limits of a city or town which, either on account of the practices therein carried on, or on account of facilities provided which will likely be employed for evil practices, and which is of such character that the same is likely to be considered either a restaurant, hotel or club, and which is frequented or likely to be frequented by persons of both sexes under circumstances likely to promote immorality, or which has rooms and quarters so disposed as to be readily available or secretly available for improper conduct or immoral practices.

(g) The word "hotel" whenever used in this Act shall be construed to mean any establishment provided with special space and accommodations of at least twenty (20) sleeping rooms, and which establishment operates a regular dining room constantly frequented by customers each day. If the said hotel be a resort hotel,

it shall be constantly patronized during a season of at least three months and have premises on which are located improvements, of a value of not less than five thousand dollars, but in no case a "tourist camp", "night club", "roadhouse", or any temporary structure.

(h) The word "restaurant", whenever used in this Act, shall be construed to mean any establishment provided with special space and accommodations where, in consideration of payment, food without lodging is habitually furnished to travellers, and which is located within the corporate limits of any incorporated city or town, and wherein at least twenty-five persons may be served at one time; provided seventy-five per cent of its business consists in serving food.

(i) The word "commissioner" means the Alcoholic Beverage Commissioner of Alabama.

ACT CONSTRUED.

Section 4. No provision of this Act shall be deemed to prohibit the manufacture of vinegar for use or sale; or the manufacture, possession and sale of alcohol or alcoholic beverages, or preparations having any degree of alcoholic content, including ethyl alcohol, for medicinal scientific or mechanical purposes, but said manufacture, transportation and/or sale shall be construed, regulated and confined to permittees as hereinafter specifically provided; and, no provision of this Act shall be construed to prohibit the dispensing of wine for sacramental purposes, or the sale to or purchase by a pastor, rabbi, or priest for sacramental purposes, and/or the transportation of the same to him, or his possession therefor for said purposes, or the manufacture of wine or beer for use in one's own residence, or the acquisition and transportation to, and the possession of alcoholic beverages at one's own residence for use therein only, but the acquisition and transportation thereof shall be subject to the provisions of this Act applicable thereto.

ALCOHOLIC BEVERAGE COMMISSION.

Section 5. A Commission is hereby created in the executive department which shall be known as the "alcoholic Beverages Commission". Said Commission shall consist of: (a) The Alcoholic Beverage Commissioner of Alabama. The Alcoholic Beverage Commissioner shall have authority to employ the necessary clerical help, whose compensation shall be approved by the Governor, to be paid out of the funds or receipts collected under this Act.

The Commissioner shall organize and carry on the said "alcoholic Beverage Commission" in the executive department, and enforce and administer the provisions of this Act, and the rules and regulations of said Commission.

The Alcoholic Beverage Commissioner of Alabama shall have and exercise the following functions, duties and powers, to-wit: (1) To grant, all permits in respect to, or for, the manufacture, importation, bottling, keeping, giving away, furnishing, possession, transportation, sale, and delivery, of alcoholic beverages, and to revoke any permit whatsoever, the granting of which is authorized by this Act; Provided, that any revocation of any permit, shall be made by said commissioner only on account of the violation of or refusal to comply with any provision of this Act or of any rule or regulation of the Commissioner, after not less than ten days' notice to the holder of the permit proposed to be revoked, informing such holder of the time and place of the hearing to be held in respect thereto, and all further procedure with reference to the revocation of any permit shall be fixed and prescribed in the rules and regulations adopted and promulgated by said Commissioner, which may be repealed or amended from time to time: Provided, that in all cases it shall be the mandatory duty of the Commissioner to revoke any manufacturer's or wholesaler's or retailer's permit and/or dining car permit and/or dining room boat permit after final judgment of conviction of any offense in this Act defined, or upon a violation of this Act for the second time, whether judgment or conviction ensue or not: Provided, further, that no person shall be deemed to have a property right in any permit issued hereunder, nor shall said permit itself, or the enjoyment thereof, be considered a property right. (2) To make, promulgate, alter, amend, or repeal rules and regulations for the enforcement of this Act and/or the collection of all license fees and permit fees, and all penalties and forfeitures relating thereto. (3) To prescribe all forms of applications and licenses or permits, and of all reports and of all other papers and documents required to be used under or in the enforcement of this Act. (4) To prohibit, at any time of public emergency, civil commotion, riot, epidemic, or general notorious lack of law enforcement, within the area affected or involved, in the judgment of the Commission or without previous notice or advertisement, the sale, transportation, or movement, of any alcoholic beverages, so long as, in the judgment of the commission, the need therefor continues. (5) To prevent parts of the premises connected with or in any sense used in connection with the premises whereon the possession, transportation, delivery, receipt, sale, or purchase of alcoholic beverages, may be lawful, from being used as a subterfuge, or means of evading the provisions of this act or of the rules and regulations of the Commissioner. (6) To require the aid of the state and any and all local boards of health, and health officers, throughout the State of Alabama, in the enforcement of, and to fix, standards of cleanliness and sanitation for all premises where alcoholic beverages are kept, possessed, stored, or

manufactured, and for the apparatus, equipment, utensils, accessories, articles, and fixtures used or employed therein. (7) To conform or to adapt, or to coordinate, to the extent that the Commissioner may deem proper, the practices, methods, standards, rules, regulations, governing traffic in alcoholic beverages, and in alcohol, with the rules, practices, standards, and regulations established by the government of the United States, or any officer, bureau, or agency thereof. (8) To require the destruction or removal of any and all bottles, whether empty or otherwise, cases, containers, apparatus, or devices used or likely to be used, or designed or intended or employed in evading, violating or preventing the enforcement of this act or of the rules or regulations of this commission. (9) To prohibit advertising, signs and displays, posters or designs intended to advertise any alcoholic beverages or the place where the same is sold; except that the Commissioner shall not exercise the power contained in this clause (9) as to any advertisement advertising brands and kinds of alcoholic beverages only appearing in a newspaper which is published at least once each week and which has a regular net paid subscription list and which is circulated in any part of Alabama, whether printed within or without this state, but all advertisements whatsoever of or relating to alcoholic beverages shall conform to the rules and regulations of the Commissioner as to the description of the alcoholic beverages therein referred to, and a newspaper or any other person may not knowingly advertise alcoholic beverages which the Commissioner has declared misbranded or adulterated or mislabeled. (9a) To register and require the registration of all brands, formulas, (unless verified showing be made to the satisfaction of the commission, that such formulas are trade secrets), analyses, labels, trade-marks used or proposed to be used, in selling or offering for sale and/or advertising any alcoholic beverages; and, any alcoholic beverages sold or offered for sale under an unregistered brand, copyright, or label, or under a false or pretended brand or label, shall be considered misbranded under the meaning of this act. Any and all alcoholic beverages possessed, kept for sale, or offered for sale or sold, which shall not correspond substantially to the analyses, and/or brands and/or formulas, therefore, which shall have been registered with the commission; and all alcoholic beverages the analyses and/or brands, and/or formulas which are required to be registered and which have not been registered with the commission, shall be considered adulterated within the meaning of this act. (10) To regulate the mode and method of dealing in, and the transportation of alcoholic beverages, and prescribe the manner and method in which all books, invoices, receipts, papers and documents, orders and bills, used or relating to such traffic or transportation shall be kept and require the preservation thereof,

and to inspect and examine, and require true copies and duplicates thereof to be made and furnished to the Commissioner. (11) To prescribe all forms of applications and licenses or permits, and of all reports and of all other papers and documents required to be used under or in the enforcement of this act. (12) To hold and conduct hearings or authorize the same to be held before any representative of the Commissioner in any county in the State of Alabama, to hear evidence, to conduct inquiries with or without hearings, to receive reports of investigators or other officers or employees of the State of Alabama, or of any municipal corporation within the state or governmental sub-division thereof, to administer oaths, or cause them to be administered, to subpoena witnesses, and compel them to attend and testify, to compel the production of books, records, and other documents. To take or institute such proceedings as may be necessary to enforce compliance with subpoenas or other rules or regulations or orders or requirements of the commission with respect to the procedure before such commission or any officer or employee or deputy officer in said division, or before any other officer or body engaged in the execution or enforcement of this act. To have, prescribe, and employ an official seal to be affixed by the secretary of the commission or any deputy or assistant secretary thereof or also by a person expressly authorized by the commission so to do. To certify or cause to be certified any record of the commission or any instrument or document on file with the commission and/or copies thereof; to fix the form of any notices, prescribe the mode and manner of giving same, and the newspapers or journals wherein the same may be published and/or the posting of notices and the number of times and time during which such notices or postings shall be required to be published or made, if not prescribed by this act. (13) To govern and control all traffic and transportation of alcoholic beverages in accordance with the policies and purposes of this act in such manner as not to be in conflict with this act or other laws of the State of Alabama. (14) To obtain and procure and to compel the production of all information, documents, evidence, records and books relating to or concerning sales by or to any permittee hereunder, and to ascertain relations between, and dealings with or between any permittee or permittees hereunder, and to investigate, ascertain and compel the production of information with reference to all said relations or in reference to all said matters, and especially to credits extended by one permittee to another and the control and/or interest and/or participation and/or affiliation and/or association with, and/or ownership of or in the permit of one permittee or of his business by another permittee, including that part of the business of the permittee consisting of traffic in alcoholic beverages and all other parts of the business of such permittee and all other matters and information re-

lating to the business of such permittee or dealings by and between permittees, and to regulate and control and to prohibit, in any instance, any practice or relationship or control or other dealings by and between permittees, which in the judgment of the Commissioner is inimical to or a violation of any rule or regulation of the Commissioner, or of any law of this state, or of the policy as declared in this act; and said action of the Commissioner may be by rule or regulation, or by order in any particular instance upon hearing after five days notice to the permittee or permittees against whom such order, if made, shall be directed, (The form of giving said notice and proof thereof, and the procedure for the hearing of all matters relating thereto, to be prescribed by the Commissioner.)

CLASSES OF PERMITS.

Section 6. There may be granted and issued, under the provisions of this Act, the following classes of permits, licensing the duly qualified holders thereof, as hereinafter provided:

CLASS "A"—ALCOHOLIC MALT BEVERAGE PERMITS.

1. Permits in relation to alcoholic malt beverages exclusively shall consist of the following classes only:

- (a) Brewer's permit to manufacture and sell alcoholic malt products.
- (b) Beer wholesaler's permit.
- (c) Beer retailer's permit.
- (d) Dining car beer permit.
- (e) Boat beer permit.

CLASS "B"—ALCOHOLIC SPIRITUOUS BEVERAGE PERMITS.

1. Permits in relation to alcoholic spirituous beverages exclusively shall consist of the following classes only:

- (a) Manufacturer's or distiller's or rectifier's permit.
- (b) Liquor wholesaler's permit.
- (c) Liquor retailer's permit.
- (d) Dining car liquor permit.
- (e) Boat liquor permit.

CLASS "C"—ALCOHOLIC VINOUS BEVERAGE PERMITS.

1. Permits in relation to alcoholic vinous beverages exclusively shall consist of the following classes only:

- (a) Winery permit.
- (b) Wine wholesaler's permit.
- (c) Wine retailer's permit.

- (d) Dining car wine permit.
- (e) Boat wine permit.

CLASS "D"—SPECIAL PERMITS.

- (a) Salesman's or agent's permit.

GENERAL PROVISIONS.

(1) The holder of a permit may not sell, assign or transfer such permit to any other person, except with the approval of the Commissioner.

(2) In case of the death of any permittee, the administrator or executor of the estate of the decedant holder thereof may surrender such permit, and the same shall be cancelled and annulled and a refund shall be made by the Commissioner pro rata to the period of time yet unexpired of the period for which said permit was issued, less a deduction of a cost fee of five dollars to be paid to said Commissioner.

(3) It shall be the policy of this Act that to the fullest extent, consistent with the nature of the establishment, full, free and unobstructed vision shall be afforded from the street and public highway of the interior of the place of sale or dispensing of alcoholic beverages there sold or dispensed.

(4) No permit entitling the holder thereof to sell or deal in alcoholic spirituous beverages shall be granted in respect to premises situated outside of the corporate limits of an incorporated city or town, excepting in these cases only, to-wit: (a) A club of the class specifically qualified to obtain a permit in respect to premises situated outside of said corporate limits under paragraph (f) in Section 3 of this Act; and, (b) a hotel of the class specifically qualified to obtain a permit in respect to premises situated outside of such corporate limits under paragraph (g) of Section 3 of this Act.

(5) No Commissioner, deputy, secretary, or employee shall have any interest, direct or indirect, either proprietary or by means of any loan, mortgage or lien, or in any other manner, in or on any premises where alcoholic beverages are manufactured or sold; nor shall have any interest, direct or indirect, in any business wholly or partially devoted to the manufacture, sale, transportation or storage of alcoholic beverages, or own any stock in any corporation which has any interest, proprietary or otherwise, direct or indirect, in any premises where alcoholic beverages are manufactured or sold, or in any business wholly or partially devoted to the manufacture, sale, transportation or storage of alcoholic beverages, or receive any commission or profit whatsoever, direct or indirect, from any person applying for or receiving any license or permit provided for in this act. Anyone who violates any of the pro-

visions of this sub-section (5) shall be summarily removed by the officer appointing him, and shall be guilty of a felony, upon conviction shall be imprisoned in the penitentiary for not less than one nor more than five years.

(6) No person holding or applying for a beer wholesaler's permit hereunder shall, directly or indirectly, have issued to him, acquire, secure, obtain, hold, own, possess or control any retailer's or dealer's permit in relation to alcoholic malt beverages or in the business thereof, or in any firm or corporation holding such retailer's or dealer's permit, or any part of the capital stock of a corporation holding such retailer's or dealer's permit, directly or indirectly, or any beneficial or participating interest therein. Any violation of said provisions or any transfer of any of said capital stock in whole or in part, or entry of said transfer upon the stock book in whole or in part, or entry of said transfer upon the stock books and/or corporate record of a corporation holding such retailer's or dealer's permit, or any transfer or assignment or sale thereof, in violation of the provisions of this paragraph shall be absolutely void and not capable of validation, and be a cause for revocation of such wholesaler's and/or retailer's permit.

(7) No person holding a manufacturer's or distiller's permit may own, or acquire, or possess any permit to wholesale alcoholic spirituous beverages, or have any interest, direct or indirect, in the business conducted by any permittee holding a permit to sell alcoholic spirituous beverages at wholesale, or at retail, or to sell alcoholic vinous or male beverages at wholesale, or at retail, and it shall be unlawful for any executive officer of any permittee holding a permit to manufacture or distill, or for any agent, employee, or representative, or any person under the control of such permittee, to own, acquire, possess and/or cause to be transferred to him, any shares of stock of any corporation holding a permit to sell alcoholic spirituous or vinous beverages at retail in the State of Alabama, or in any retailer's permit to sell alcoholic, spirituous, malt or vinous beverages within this state, or own or acquire any interest, directly or indirectly, in the business being conducted thereunder, or in or to any shares of stock in any corporation owning the permit to retail the same.

CLASS "A" PERMITS.

Section 7. Class "A"—Alcoholic Malt Beverage Permits. Brewer's permits may be issued as hereinafter provided. Any person, firm or corporation desiring to manufacture for commercial purposes any alcoholic malt beverages shall make application to the Commissioner for a permit to manufacture the same, which application shall be in writing, and verified, on the forms herein authorized to be prescribed and furnished; and, thereupon, the Commis-

sioner may grant such permit, subject to the restrictions of this Act for a period of one year only.

Any permit to manufacture alcoholic malt beverages, shall include permission to manufacture, place in containers, or bottles, such beverages and transport and sell or deliver the same to any person, firm or corporation,—holding legal permit or permits in Alabama.

Such permit, however, shall not be issued unless and until there be paid by the applicant to said Commissioner a separate license fee therefor of One Thousand Dollars.

Section 8. Beer wholesaler's permits may be issued as hereinafter provided. Any person, firm or corporation desiring to sell at wholesale any alcoholic malt beverages shall make application to the Commission for a permit to sell same at wholesale, which application shall be in writing, and verified, on the forms herein authorized to be prescribed and furnished; thereupon, the Commissioner may grant such permit, subject to the restrictions of this Act.

The holder of any authorized wholesaler's permit is granted permission to purchase from any authorized manufacturer within or without this State, and possess, transport, sell or deliver, any such alcoholic malt beverages to any retailer.

Such permit, however, shall not be issued unless and until there be paid by the applicant to said Commissioner a separate license fee therefor of Five Hundred Dollars.

Section 9. Beer retailer's permits for the sale of alcoholic malt beverages may be issued as hereinafter provided. Any person, firm or corporation desiring to sell alcoholic malt beverages to patrons or customers for consumption on licensed premises shall make application to the Commissioner for a retailer's permit, which application shall be in writing, and verified, on forms herein authorized to be prescribed and furnished, and the Commissioner may, subject to the restrictions of this Act, issue such retailers permit, which permit shall be limited to the premises therein designated.

At the time of filing an application for a beer retailer's permit, the applicant therefor shall pay in cash to said Commissioner a permit fee of Five Dollars.

Section 10. Dining car beer permits may be issued to corporations owning or operating steam or gas or electric railroad, or interurban lines, as public carriers, for the premises comprehended within the dining cars and buffet cars of such carrier only (Carrier to include the trustee or receiver of such corporation).

Such permits may also be issued to persons owning or operating cars or leasing cars which are operated as a part of railroad trains, although such persons do not own a railroad or other line herein described. Such permit shall be issued by the Commissioner, upon verified, written application of an officer or agent of such carrier,

and shall be subject to revocation for violation of any of the provisions of this Act, or of the rules and regulations of the Commissioner.

Said dining car permits shall be issued at the rate of one permit for a unit to consist of not exceeding five dining and/or buffet cars, and for such a unit, the annual license fee shall be fifty dollars; and such permit shall be deemed to cover and apply to said number of dining and/or buffet cars when in service upon the trains of the carrier, moving within or across the State of Alabama. For each additional unit of five dining and/or buffet cars, there shall be paid an additional annual license fee of Twenty-five Dollars.

The original permits shall be kept displayed at the chief office of such corporation, within the State of Alabama, and in each dining car and buffet car there shall be kept displayed the certificate of an officer or agent of the carrier, stating that an alcoholic dining car permit is in full force and effect for said car, or words to that effect.

It shall not be necessary to renew said permits annually, provided that a like sum is paid on the anniversary of the issue of each said permit to the Commissioner, as a license fee for the ensuing year.

Said carrier shall pay to the State Tax Commission the excise tax, at the rate hereinafter fixed per gallon, unless said excise tax has been paid by some other permittee or licensee, for all said alcoholic malt beverages withdrawn for sale under said permit in the State of Alabama, monthly, under such rules and regulations as the Commissioner may prescribe.

Section 11. Boat beer permits may be issued to the proprietor of any boat, engaged in regular passenger service, making regular runs in seasonable weather, between established termini, for the possession, sale and consumption of alcoholic malt beverages within the dining room of such boat. All the proceedings and requirements above prescribed in cases of an application for a retailer's permit for the sale of alcoholic malt beverages shall be complied with, including the payment as an annual license fee of Fifty Dollars.

CLASS "B" PERMITS.

Section 12. Class "B"—Alcoholic Spirituous Beverage Permits. Manufacturer's or distiller's permits may be issued as hereinafter provided for the manufacturing of alcoholic spirituous beverages. Any person, firm or corporation desiring to manufacture for commercial purposes any alcoholic spirituous beverages, shall make application to the Commissioner for a permit to manufacture the same, which application shall be in writing, and verified, on the forms herein authorized to be prescribed and furnished; and, the

thereupon, the Commissioner may grant such permit, subject to the provisions of this Act.

Any permit to manufacture alcoholic spirituous beverages shall include permission to manufacture and/or rectify the same, and place the same in containers or bottles, and transport, sell or deliver the same in shipments to points inside or outside of the State of Alabama.

Such permit, however, shall not be issued unless and until there be paid to the said Commissioner a separate license fee of One Thousand Dollars.

Section 13. Liquor wholesaler's permits to sell alcoholic spirituous beverages at wholesale. Any person, firm or corporation desiring to sell at wholesale any alcoholic spirituous beverages shall make application to the Commissioner for a permit so to do, which application shall be in writing and verified, on the forms herein authorized to be prescribed and furnished; thereupon the Commissioner may grant such permit subject to the restrictions of this Act.

Such liquor wholesaler's permit, however, shall not be issued unless and until there shall be paid to said Commissioner a separate license fee therefor of One Thousand Dollars.

Section 14. Liquor retailer's permits. For the retail sale of alcoholic spirituous beverages, as in this Act defined, a permit may be issued as herein provided. Any person, firm or corporation desiring to sell alcoholic spirituous beverages to patrons or customers, in sealed packages only, and not for consumption on the premises, shall make application to the Commissioner for a liquor retailer's permit, which application shall be in writing and verified, on forms herein authorized to be prescribed and furnished; and the Commissioner may, subject to the restriction of this Act, issue such retailer's permit.

At the time of filing an application for a liquor retailer's permit the applicant therefor shall pay to the said Commissioner a permit fee of One Hundred Dollars.

Where any club makes application for a liquor retailer's permit, in addition to the license or permit fee required for such retailer's permit, it must pay a permit or license fee of fifty dollars for the right to dispense liquors to its members and their bona fide guests at retail for consumption on the premises; provided, however, that this additional permit shall not be issued unless the club has obtained permits to sell beer and wine. It being provided however that no holder of such permit shall sell or offer for sale any such package containing less than one half pint.

CLASS "C" PERMITS.

Section 15. Class "C"—Alcoholic Vinous Beverage Permits. A winery permit may be issued as hereinafter provided for the manufacture of alcoholic vinous beverages, as herein defined, upon verified, written application to the Commissioner on proper form herein authorized, to be prescribed and furnished, and said application may be granted by the commissioner, subject to the restrictions of this Act. Any winery permit shall authorize the holder thereof to manufacture, but not to rectify or fortify, alcoholic vinous beverages unless the holder thereof be also a distiller and/or rectifier holding a permit to distill and/or rectify alcoholic spirituous beverages, and said winery permit shall authorize the holder thereof to place the same in containers or bottles, and transport and sell and/or deliver the same in shipment to points outside of Alabama, and to any person holding a permit to sell alcoholic vinous beverages at wholesale or to any person holding a winery permit hereunder. A winery permit shall not authorize the holder thereof to sell to consumers, or to wine retailers. When such alcoholic vinous beverages are being transported and/or delivered to permittee lawfully entitled to purchase the same within this State, said beverages shall be transported or delivered only in containers which are lawful under this Act, and permissible under the rules and regulations of the Commission; provided, that all the traffic and transportation by any such winery shall be subject to the rules and regulations of the Commissioner, and on the granting thereof he shall comply with such procedure and requirements as the Commissioner may prescribe, but the applicant shall pay a license fee in the sum of Two Hundred and Fifty Dollars to the Commissioner.

Section 16. A wine wholesaler's permit may be issued as hereinafter provided. Before the Commissioner shall grant any wine wholesaler's permit to wholesale alcoholic vinous beverages, the applicant shall pay an annual license fee therefor the sum of One Hundred Dollars. The holder of a wine wholesaler's permit shall have the right to import and/or transport alcoholic vinous beverages from any other state or country into the State of Alabama and to sell, furnish and/or deliver the same, but not at retail. All transportation thereof shall be in such barrels, or casks, or bottles, or containers as are permissible under the rules and regulations of the Commissioner and which the Commissioner may require to be stamped, labeled, marked and/or designated, or bear or display any other identification, label or device.

Section 17. A retailer's wine permit may be issued as provided in this Act. Such retailer's wine permits may be issued to any person, partnership, firm or corporation entitled to receive a

permit for either spirituous liquors or malt liquors upon the payment of a ten dollar license fee.

Section 18. A dining car wine permit may be held by the holder of a dining car permit to sell alcoholic malt beverages upon the payment of an additional Twenty Five Dollars per annum, irrespective of the number of dining cars of the particular carrier obtaining such dining car wine permit, but such permit shall be displayed in the principal office of such carrier within the State of Alabama, and there shall be displayed in each dining car operating under such permit a certificate of the principal officer of the carrier certifying that such dining car wine permit has been issued to such carrier. The permit in this section described shall also be issuable to any person capable of receiving a dining car beer permit under Section 10 of this Act.

Section 19. Boat wine permits may be issued to the proprietor of any boat, engaged in regular passenger service, making regular runs in seasonable weather, between established termini for the possession, sale and consumption of alcoholic vinous beverages within the dining room of such boat only. Such proprietor shall make a verified written application to the Commissioner for a boat wine permit, on the form prescribed and furnished by the Commissioner, and the Commissioner may issue said permit, subject to the restrictions of this Act. The annual license fee therefor shall be Fifteen Dollars. No boat wine permit shall be issued except to the holder of a boat beer permit which is unrevoked, and said boat wine permit shall continue in force only while the holder thereof is also the holder of a boat beer permit in full force and effect.

CLASS "F" PERMITS.

Section 20. Class "F"—Special Permits. Salesman's or agent's alcoholic permit may be issued as herein provided. No individual shall act as agent or salesman for the sale of, or for taking or soliciting orders for the sale of, any alcoholic beverages, irrespective of whether such sale is to be made within or without the state, or whether such sale may be otherwise legal or illegal, unless such person shall have a salesman's or agent's permit. The application therefor shall be in such form as the Commissioner may from time to time prescribe, including a provision that the holder of such salesman's or agent's permit will comply with all the rules and regulations and/or orders of the Commissioner. Such salesman or agent shall pay an annual license fee of Twenty-Five Dollars.

Both the application and permit shall set forth the name and address of the person whom said salesman or agent represents, and also the name and address of the applicant.

Such salesman or agent shall not represent any person whose name does not appear upon said permit as his employer, nor act as such salesman or agent for any other person not named therein. No person shall act as salesman or agent under the same permit for more than one person, firm, corporation or association.

Salesman or agent shall include any person who procures or seeks to procure an order or agreement for the sale and/or for the delivery and/or for the transportation of alcoholic beverages within or into this state, or who is engaged in promoting the sale of any alcoholic beverage, or in promoting the business of any person engaged within this state or outside the State of Alabama in manufacturing, selling, delivering or transporting alcoholic beverages.

Section 21. No license or permit shall be issued to any manufacturer, wholesaler, dealer or retailer of alcoholic beverages in this state unless and until said manufacturer, wholesaler, dealer or retailer shall have filed a surety bond in such penal sum as may be fixed by the Commissioner conditioned that he will not violate any of the provisions of any law of this state touching the alcoholic traffic or the manufacture, importation, transportation or possession or sale or delivery of alcoholic malt beverages as defined in this act, and/or of the rules and regulations of the Commissioner applicable thereto, and shall be liable to any person suffering damage or injury proximately resulting from such violation, on the products manufactured, imported, sold or withdrawn for sale by him under such permit, including all excise taxes. The full amount of any and all said taxes and licenses fees due and owing may be recovered by the State of Alabama in any action on said bond. Suits on such bond shall be brought in the county where the principal in the bond resides or where the damage arose, and a certified copy of the bond shall be admissible in evidence. The Commissioner shall charge one dollar for each certified copy of a bond.

Section 22. Any permit issued under the provisions of this Act may be revoked by the Commissioner in accordance with its rules and regulations for the violation of any provision of this Act governing the business and/or conduct of such permittee or for violation of any rule or regulation applicable thereto.

Section 23. Except as otherwise herein provided, no manufacturer's permit, wholesaler's or retailer's permit for alcoholic beverages shall be issued to:

- (1) A person who is not of good moral character and repute in the community in which he resides;
- (2) A minor, or a person non compos mentis.
- (3) A person who has been convicted of a felony or a violation of the prohibition law.

Section 24. (a) There shall be levied for the benefit of each county in which he does business, a license or permit fee of One Hundred Dollars on each wholesaler of alcoholic beverages, and a license or permit fee of one-half of the State license on each distiller, brewery or winery for the benefit of the county in which located; and on retailers the same as State license for each county in which they do business. Such license or permit fee shall be collected as other licenses are collected, and it shall be unlawful for any manufacturer, wholesaler or retailer of alcoholic beverages to engage in such business without paying such license or permit fee.

(b) Any city or town may by ordinance fix and levy a reasonable license or permit fee for the manufacture and/or sale within such city or town, or its police jurisdiction, of any of the alcoholic beverages as defined in this act. Such license or permit fee, when so levied, shall be collected as other licenses are collected by said city or town and it shall be unlawful for any manufacturer, wholesaler or retail dealer of alcoholic beverages to engage in such business without paying such license or permit fee.

Section 25. No license or permit shall be issued to any manufacturer, wholesaler or retailer of spirituous alcoholic beverages in this State, unless the application therefor has been approved by the governing authority of the city or town in which such business is to be conducted, evidenced by a resolution attached to such application attested by the clerk of such city or town.

VIOLETIONS OF ACT—OFFENSES—PENALTIES.

Section 26. (1) Whoever shall hinder, obstruct, impede or interfere with or prevent in any wise the observance or enforcement of any rule or regulation made or adopted by the Alcoholic Beverage Commissioner of Alabama, in the administration of this Act, or of any of its provisions, shall be guilty of a misdemeanor and shall be fined not less than Fifty (\$50.00) Dollars, nor more than Five Hundred (\$500.00) Dollars, for the first offense; and for any subsequent offense shall be fined not less than Two Hundred (\$200.00) Dollars, nor more than One Thousand (\$1000.00) Dollars, to which may be added imprisonment for not less than ten nor more than sixty days.

(2) Any person holding a permit under the laws of the State of Alabama who shall sell, keep for sale, barter, furnish, or give away any alcoholic beverages, which he is not entitled to sell, keep for sale, barter, furnish, or give away, under such permit shall be guilty of a misdemeanor, and shall, for the first offense, be fined not less than Fifty (\$50.00) Dollars nor more than Five Hundred (\$500.00) Dollars, and for any second or subsequent such offense shall be fined not less than Five Hundred (\$500.00) Dollars, nor

more than One Thousand (\$1000.00) Dollars, to which may be added imprisonment for not less than thirty days nor more than six months; and the possession of any of such alcoholic beverages shall be prima facie evidence that the same are kept for sale.

(3) Any person not being the holder of an alcoholic beverage permit under the laws of the State of Alabama who shall give away, or furnish to any person other than a guest, or to a member of his family, or sell or barter or exchange, directly or indirectly, any alcoholic beverages, or possess the same, except where expressly authorized by this Act so to do, shall be deemed guilty of a misdemeanor, and shall be fined in any sum not less than Fifty (\$50.00) Dollars, nor more than Five Hundred (\$500.00) Dollars, for the first offense, to which may be added imprisonment for thirty days, and for any second or subsequent offense shall be fined not less than One Hundred (\$100.00) Dollars, nor more than One Thousand (\$1000.00) Dollars, to which may be added not less than sixty nor more than one hundred days imprisonment.

(4) Except in case of the holder of an alcoholic beverage permit under this Act, his agent or employee and/or a duly licensed carrier for a holder of an alcoholic beverage permit, who is lawfully entitled to hold or possess alcoholic beverages without payment of tax thereon prior to the time that the same are withdrawn for sale within the State, anyone transporting, selling, bartering, giving away, or possessing alcoholic beverages, knowing that all taxes due the State of Alabama thereon are not paid, shall be guilty of a misdemeanor, and shall be fined not less than Two Hundred (\$200.00) Dollars and not more than Five Hundred (\$500.00) Dollars, for the first offense, and not less than Five Hundred (\$500.00) Dollars, nor more than One Thousand (\$1000.00) Dollars, for any second or subsequent offense, to which may be added, in cases of second or subsequent offense, imprisonment for not less than thirty days, nor more than sixty days. In such cases it shall be prima facie evidence of knowledge that the tax thereon has not been paid if the container in which said alcoholic beverage is contained does not bear a stamp showing the payment of tax thereon, where the same is required by law or any rule or regulation of the Commissioner.

(5) If any person shall forge or counterfeit or cause or permit to be forged or counterfeited any stamp, die, plate, official signature, certificate, evidence or tax payment, permit, license, or other instrument which has been provided or may be hereafter provided, made or used in the pursuance of the execution of the provisions of this law as aforesaid upon any paper or other material or shall stamp or mark or cause to be stamped or marked any paper or other material by such forged or counterfeited stamp, die, plate, official signature, certificate, evidence of tax payment, permit, li-

cense, or other instrument as aforesaid or shall forge the name or signature of any officer, commission, or deputy officer or employee under provisions of this Act or under the rules or regulations of the Commissioner, or cause the same to be done, or forge or counterfeit or cause or permit to be forged or counterfeited any evidence of the payment of any tax provided for in this Act, with intent to defraud the State of Alabama of any of the taxes imposed by this Act, or any provision thereof, or shall in any other wise by imitating, restoring, altering, or re-using any stamp or other written evidence of the payment of said taxes knowingly defraud or attempt to defraud the State of Alabama, or have or retail in his possession any said stamps which are forged or counterfeited, or any evidence of the payment of said taxes which is forged or counterfeited, or any such evidence of such payment or any stamp which has been altered, restored or counterfeited with intent to defraud the State of Alabama shall be punished by a fine of not to exceed One Thousand Dollars, and to which may be added imprisonment for not less than three months, nor more than one year.

(6) No alcoholic beverages shall be sold, bartered, exchanged, given, provided or furnished, to any person under the age of twenty-one years, or to any person known to be an habitual drunkard; nor shall any such alcoholic beverages be sold, bartered, exchanged or given away, or kept with the intent to be sold, bartered, exchanged or given away, in any house of ill fame. Any person guilty of violating this paragraph shall be punished by a fine of not less than Twenty (\$20.00) Dollars, nor more than Fifty \$(50.00) Dollars, to which may be added thirty days imprisonment.

(7) Whoever shall sell, barter, deliver or give away any alcoholic beverage to any person at the time in a state of intoxication, knowing such person to be in a state of intoxication, shall, on conviction, be fined in any sum not less than Ten (\$10.00) Dollars, nor more than One Hundred (\$100.00) Dollars, to which may be added imprisonment for not more than sixty days.

UNLAWFUL ACTS—PENALTIES.

Section 27. (a) Except as permitted in this Act, it shall be unlawful for any person to purchase, receive, manufacture, import or transport or cause to be imported or transported from any other state, territory, or country, into the State of Alabama, or transport, ship, barter, give away, exchange, furnish, or otherwise handle, or dispose of any alcoholic beverages, or possess the same for purposes of sale. It shall be unlawful for any person knowingly to receive or acquire in this State any alcoholic beverage from any person who does not hold unrevoked the appropriate permit under the laws of this State to sell said beverage to him.

(b) No person, except an officer of the State lawfully entitled so to do, shall sell any stamp or furnish evidence of the payment of any tax, or execute or issue any permit, to any other person, excepting that any person who has purchased such stamps may return the same to the State of Alabama for redemption, if uncanceled, and no person shall alter the cancellation or mark of cancellation, remove or deface or attempt to remove or deface, the marks of cancellation upon any stamp showing the payment of tax or license fee herein imposed, and no person shall have in his custody or possession any article, instrument, stamp, imitation, or counterfeit of stamps or permits other than such as may have been lawfully issued to him, and which such person is lawfully entitled to have in his possession, as in this Act provided, or display any imitation or counterfeit of any such permit, or of any stamp, contrary to the provisions of this paragraph, shall be prima facie evidence of the intent of the possessor thereof to defraud the State of Alabama.

(c) No person shall falsify or cause to be falsified any entry, statement, account, recital, or computation, or any application for any permit or any instrument, or paper required to be filed in connection therewith, or in connection with the revocation or proposed revocation of any permit; no person shall enter, or cause to be entered, any false entry, statement, account, recital, computation, or representation of any fact in any book, document, account, orders, papers or statements required to be kept or filed, or made or furnished to the Commission or to any officer, deputy officer, agent or employee thereof, under the provisions of this Act, or under any rule or regulation or order of the Commissioner.

(d) No person shall sell, or give away, or furnish to, or supply to any person any alcoholic spirituous beverage, from any container other than the original container in which such alcoholic spirituous beverage was contained at the time it was purchased by said seller, dispenser, giver or person serving the same; and no person shall in any case serve any alcoholic spirituous beverages from any container which container does not bear the proper authentic stamp affixed thereto and duly cancelled, evidencing the payment of the proper amount of the tax or license fee imposed by this Act. No person shall refill with an alcoholic beverage or beverages any bottle or container, in whole or in part, after said container of an alcoholic spirituous beverage has been in whole or in part emptied, provided this provision does not apply to necessary refilling by permittee holding a permit authorizing him to manufacture, rectify or bottle alcoholic spirituous beverages. Nor shall any person place in any container bearing any label, mark, device, or trade-mark, as alcoholic beverage other than truly represented by the label, device or trade-mark appearing thereon at the time of his purchase thereof,

or at the time he came into possession thereof. Nor shall any person place therein any misbranded or adulterated alcoholic beverage. "Container" when used in this sub-division (d) shall mean the immediate container of said alcoholic spirituous beverage in which the same is immediately contained and with which the alcoholic spirituous beverage therein contained is immediately in contact. Nothing in this sub-division (d), however, shall prevent the service of mixed drinks from the vessel in which the same is prepared, in places where drinks are permitted to be served under this Act. Provided, that in the preparation thereof, the alcoholic spirituous beverages used therein shall be drawn directly from the original container in which the same were contained, into the vessel in which said mixed drinks are prepared.

(e) No person shall solicit or receive, or permit his employee to solicit or receive, from any person any order for any alcoholic beverage in violation of this Act, or give any information of how the same may be obtained in violation of this Act.

(f) No person, other than is herein authorized, shall possess or keep on hand for the purpose of selling, giving away, bartering or furnishing, or exchanging, any no person shall sell or give away, barter or furnish, or exchange, ethyl alcohol as a beverage, or any beverage or liquid likely to be used or intended to be used as a beverage, which has a higher content of ethyl alcohol than is permitted by the rules or regulations of the Commissioner.

(g) No person shall transport, or cause to be transported, upon any public highway into the State of Alabama, from any other state, territory or country, any alcoholic spirituous beverages, or transport or cause the same to be transported along or over any public highway within the State of Alabama, and no person shall receive or accept any alcoholic spirituous beverages transported along or over any public highway of the State of Alabama, unless there be displayed on the outside of the container or package, so that the same is plainly visible upon view of the outside of such container or package, without removing any other container or covering, such stamp or identification, or label of identification, or mark of identification, as the Commissioner may by rule or regulation require to be placed thereon.

(h) No person shall transport into the State of Alabama upon any public highway of the State of Alabama any alcoholic beverages from any other state or territory, unless the person accompanying and in charge of such shipment shall have present and available for exhibition such bills of lading, evidence of ownership and/or shipment, as the Commissioner may by rule or regulation require, and no person shall refuse to exhibit, or permit to be read and/or examined, any such bill of lading, evidence of ownership and/or shipment by an agent, employee, or deputy administrator in said alco-

holic beverages division, or any police officer, of the State of Alabama and/or of any municipal corporation, or governmental division thereof, entitled to demand, examine and/or read the same, upon demand being made by any such agent or officer thereof.

(i) No person shall employ any minor in or about the premises where alcoholic spirituous beverages are being sold, furnished or given away.

(j) All railroad companies, express companies, and common carriers shall keep in the office at which delivery to the consignee is made a record in which shall be entered the information provided for in this section of all shipments of alcoholic beverages. Such records shall be open to the inspection of the Commissioner, or his duly authorized representatives. Any agent, officer or any employee of any railroad company, express company or common carrier violating the provisions of this section shall be guilty of a misdemeanor.

Any person violating sub-section (b) or (c) of this section shall be guilty of a felony and, on conviction, shall be imprisoned in the state prison for not less than one year nor more than three years and fined in any sum not exceeding Five Hundred (\$500.00) Dollars, and any person violating any of the other provisions of this section shall be guilty of a misdemeanor and, on conviction, shall be fined in any sum not less than Twenty-five (\$25.00) Dollars, nor more than Three Hundred (\$300.00) Dollars, to which may be added imprisonment for any period not exceeding sixty days.

SEIZED PROPERTY—CUSTODY OF PENDING PROCEEDINGS.

Section 28. Liquor seized, as herein provided, and the vessels containing it and such fixtures and articles or other apparatus, stamps, papers, documents or licenses which may be found on said premises and relating in any wise to the use or operation of said liquor and/or still or distilling apparatus, taken under said warrant shall not be taken from the custody of the officer, agent or employee of said Commissioner or other officer, by a writ of replevin or other process while the proceedings provided herein are pending, and final judgment of conviction in such proceeding shall be a bar in all cases to any and all suits for recovery of any liquor and/or other articles or things seized or the value of the same or damages alleged to arise by reason of the seizing and detention thereof.

UNLAWFUL POSSESSION OF PROPERTY—TITLE TO.

Section 29. All rights of any kind in any kind of alcoholic beverage, or in any container thereof, or in any article, apparatus, package, fixture or utensil in which the same may be placed, or

which is used in connection therewith, or any vehicle or conveyance in which the same are being transported or used for the transportation thereof, shall at all times and under all circumstances by whomsoever held or owned, or possessed, be deemed qualified by the right of the State of Alabama and the authority of said Commissioner, and of said Commissioner to administer, execute and enforce this statute. No property rights of any kind shall exist in any alcoholic beverages, malt, malt syrup, malt extract, liquid malt or wort had, kept, transported or possessed contrary to law, or in or to any receptacle or container of any kind whatsoever in which such beverages or articles may be found, or in any unlawful or prohibited receptacle or container, or in any receptacle or container which does not conform to or which is being used contrary to or which is not kept in conformity to any rule or regulation of said Commissioner, or which is being used to contain any such beverages upon which any tax is due and unpaid or any misbranded or adulterated alcoholic beverage, or which is being used in any unlawful practice, or any practice contrary to the rules and regulations of said Commissioner. When any conveyance of any kind shall be used for the illegal transportation of alcoholic beverages, malt, malt syrup, malt extract, liquid malt or wort, no person interested in said transportation, or having knowledge thereof, shall have any right, title or interest in or to said conveyance so used. All such articles and vehicles are hereby declared forfeited to the State and shall be seized. Any officer making an arrest for any violation of this Act shall seize all evidence of the commission of such violation, including any vehicle, automobile, boat, air or water craft, or other conveyance, in which such beverages or malt articles are kept, possessed or transported contrary to law, or contrary to any rule or regulation of said Commissioner.

COMMON NUISANCE—DEFINITION.

Section 30. Any room, house, building, boat, structure, automobile or other vehicle, or place of any kind where any kind of alcoholic beverages are sold, possessed, manufactured, bartered, or given away in violation of law, or of any rule or regulation of said Commissioner, or where persons are permitted to resort for the purpose of drinking alcoholic beverages, as in this Act defined, in violation of law, or any place where such beverages are kept for sale, barter or gift, in violation of the laws of the State, or in violation of any rule or regulation of said Commissioner, and all alcoholic beverages, and all property kept in and used in maintaining such a place, are hereby declared to be a common nuisance; also any act or practice, manner of conducting, and/or operating any business by a permittee hereunder contrary to this Act or to any rule or regulation of the Commissioner, or by a person not a per-

mittee hereunder contrary to this Act, shall also constitute a common nuisance if done, carried on, or permitted to take place in any building or upon any premises wherein or whereon alcoholic beverage is possessed, or kept, or stored, or consumed, or upon any vehicle, or conveyance whereon or wherein any alcoholic beverage is being kept, stored consumed or conveyed or transported, or imported into this State contrary to this Act, or contrary to any rule or regulation of the Commissioner, and also all malt articles, liquids, liquors, alcoholic beverages, unstamped containers of any substance or beverage in respect to which in any wise any excise taxes or license fees are imposed or levied hereunder and upon which containers in their then condition a stamp or stamps evidencing payment of said taxes or fees are lawfully required to be placed or affixed, and all forged or counterfeited or re-used or altered stamps, and the receptacles thereof and the premises where said forged or altered or counterfeited stamps are kept or hidden shall also constitute common nuisances hereunder.

COMMON NUISANCES—ABATEMENTS—PROCEDURE—REMEDIES.

Section 31. The Attorney-general, prosecuting attorney, or the said Commissioner or the holder of any permit hereunder authorized to sell alcoholic beverages within the county where any nuisance defined in this Act exists or is kept or maintained, or any number of permittees hereunder authorized to sell intoxicating liquors within the said county or elsewhere within the State of Alabama, or any taxpayer of the county, may maintain an action in the name of the State of Alabama to abate and perpetually enjoin such nuisance, or to abate and/or enjoin any practice or conduct of any person, whether the holder of a permit hereunder or not, in violation of this Act or of any rule or regulation of the Commissioner, or to abate and/or enjoin any nuisance as defined in this Act. The plaintiff shall not be required to give bond in such action for restraining orders, temporary injunctions or permanent injunctions and permanent injunctions may be granted in said cause as in other injunction proceedings, and upon final judgment against the defendant such court shall also order that said room, house, building, structure, boat or place of any kind shall be closed for a period of one year; or closed for a part of said time or until the owner, lessee, tenant or occupant thereof shall give bond with sufficient surety to be approved by the court making the order, in the penal sum of not less than One Thousand (\$1000.00) Dollars, payable to the State of Alabama, and conditioned that alcoholic beverages will not thereafter be manufactured, possessed, sold, bartered or given away or furnished or otherwise disposed of thereon or therein or kept thereon or therein with intent to sell, barter, or give away or

otherwise dispose of the same, contrary to the rules or regulations of the Commissioner, and that said unlawful conduct or practice or conduct of any person, whether the holder of a permit hereunder or not, the violation of this Act or of any rule or regulation of the Commissioner will not be permitted thereon or therein, and that he will pay all fines, costs and damages assessed against him for any violation of this Act. The court shall also have jurisdiction to enjoin permanently or by restraining order or temporary injunction the continuance of said unlawful conduct or practice or nuisance complained of. If any condition of such bond be violated, the whole amount may be recovered as a penalty for the use of the city or town, or if outside any city or town, then to the county wherein the premises are situated. In any such action a notice to non-resident defendants may be given by publication as authorized by law in other proceedings. In all cases, where any person has been convicted of a violation of this Act, a complaint may be filed with the circuit or criminal court of the county in which the offense was committed, to abate as a nuisance any real estate or other property involved in the commission of said offense or to enjoin any unlawful conduct or practice therein or thereon, and in any such action a certified copy of the record of such conviction shall be admissible in evidence and prima facie evidence that the room, house, building, boat, structure, automobile, or other vehicle, or place of any kind set forth or described in said complaint is a public nuisance: Provided, however, that any action for injunction or abatement may be begun, carried on, and concluded prior to or during the pending of the criminal prosecution of any defendant therein arising out of or in connection with or on, or at the said room, house building, boat, structure, automobile, or other vehicle, or place of any kind set out or described in said action for injunction or abatement.

Said Commissioner may enforce any provisions of this Act or any rule or regulation of said Commissioner against any permittee or permittees or any officer or agent thereof either by an action in mandamus mandating the defendant or defendants to comply with said rule or regulation or by an action in injunction enjoining any permittee or permittees from violating any rule or regulation of the Commissioner, whether the conduct of the defendant does or does not constitute a nuisance within the foregoing provisions of this Section, and restraining orders and temporary injunctions and permanent injunctions may be made and granted therein without any bond filed by the plaintiff. Said actions in mandamus or in injunction shall be brought in the name of the State of Alabama and the Commissioner shall be represented by the attorney general or by a deputy or assistant attorney general assigned by the attorney general, or by a circuit (solicitor or deputy) solicitor, for

the purpose of instituting or conducting said action or actions, or by both.

The remedies herein provided shall be deemed cumulative, and in no sense shall one of said remedies exclude the other, nor shall any of said remedies limit or remove the power of the Commissioner to revoke any permit. Said Commissioner shall also have authority to institute in the name of the State of Alabama on the relation of said Commissioner any action to obtain a declaratory judgment as to the meaning or application or constitutionality of any provision or provisions of this Act or of any provisions of any rule or regulation or any order made by said Commissioner in any court having jurisdiction in civil cases within Montgomery County in the State of Alabama against any permittee or other person and said proceeding shall conform to statutes providing for and governing actions to procure declaratory judgments heretofore enacted.

ADMISSIBLE EVIDENCE.

Section 32. (1) The payment of any United States or Federal special tax by any person, or the possession by him of any stamp or receipt issued to him by the Government of the United States, or by any of its departments, divisions, officers, agents, or representatives, either as a retail dealer or as a wholesale dealer in alcoholic beverages or the possession by him, or the posting by him upon any premises of any stamp, certificate, permit or license granted or issued under the authority of the United States of America or of any of its departments or divisions, authorizing the holder thereof to deal in any liquor or liquid containing alcohol, shall be prima facie evidence that the person paying such tax, or possessing, or posting, or named in such stamp, certificate, permit or license, or on whose premises the same is posted is engaged in possessing, selling, transporting, giving away and/or furnishing the alcoholic liquors or liquids in the manner and/or upon the premises covered by such payment, stamp, certificate, permit or license, in any criminal prosecution under the provisions of this Act or in any suit to abate or enjoin any nuisance or unlawful practice or any practice prohibited by the rules and/or regulations of the Commissioner.

(2) All courts shall take judicial notice of the signature of the Commissioner and of the seal of the Commissioner, and also of any document or paper or record or instrument or copy thereof authenticated as the Commissioner may prescribe in the rules for the authentication thereof.

CONTRABAND PROPERTY—SALE—WHEN—PROCEDURE.

Section 33. When any alcoholic beverages, malt articles, vessels, utensils, apparatus, stills or fixtures are seized under authority of this Act, the proper court shall, upon conviction of the owner

thereof, after opportunity has been given to such owner for a hearing relative thereto, order such of the articles as the court shall determine to have been used unlawfully to be sold by the Commissioner as hereinafter provided; and the proper court shall, upon conviction of any person found in charge of or in possession of any such articles so seized other than the owner thereof, or upon written petition of the Commissioner in case no person is found in charge of or in possession of any such articles so seized, after opportunity for hearing shall have been given by not less than ten days' notice to the owner if he be known, or if the owner be not known then by notice by publication one time in a newspaper of general circulation in the county seat of the county in which such court is situated not less than ten days prior to the time fixed for such hearing, order and direct such of the articles as the court shall determine to have been used unlawfully, to be sold by the Commissioner as hereinafter provided. All such articles ordered sold by any court or courts as hereinbefore provided shall be sold by the Commissioner either separately or collectively at public auction after one week's notice by publication in a newspaper of general circulation in the county in which the Commissioner may deem it most advantageous to sell the same, to persons, firms, corporations and/or partnerships lawfully entitled to buy the same, and the proceeds therefrom, after deducting necessary costs and charges, including fees for publication, shall be paid over by said Commissioner as in this Act provided for the payment of taxes and license fees; Provided, however, that any and all such articles so advertised and offered for sale and found by such Commissioner to be unsalable shall be by him destroyed, but in all such cases the costs of any publication shall be paid in the same manner as other expenses lawfully incurred by such Commissioner are paid; Provided, however, that nothing in this section concerning the sale of such articles as herein provided shall authorize the sale of any such still, or stills, but the same shall be destroyed by the said Commissioner.

ALCOHOLIC MALT BEVERAGE LICENSE FEES.

Section 34. (a) ALCOHOLIC MALT Beverage License Fees (gallage). Any authorized manufacturer and/or importing agent, and/or wholesaler invested with the importing privileges (as to imported alcoholic beverages), and/or the holder of a dining car permit or of a boat permit, shall pay unto the State of Alabama a license fee of ten cents on each gallon of alcoholic malt beverages manufactured or given or sold or withdrawn for sale or gift by him in the State of Alabama, which license fee shall be paid on or before the fifteenth day of each month on all such beverages so manufactured or sold or given away or withdrawn for sale or gift

by him during the preceding monthly period; Provided, however, that the license fee hereinabove provided for shall not apply to or be payable outside of the State of Alabama and sold for delivery outside of the State of Alabama. Said license fee is hereby levied in addition to any and all license fees which may have been paid by him at the time of, or as a condition to the granting of any permit, and the same shall be collected by the State Tax Commission and by it paid over as in this Act provided, and the Commissioner shall have power to prescribe regulations and maintain gauges in such manufacturer's and/or importing agent's, and/or wholesaler's plant, for the proper gauging of such beverages and the assessment of such license fees.

(b) **Alcoholic Spirituous Beverage Excise Tax.** As excise tax on the sale or gift, and/or on the withdrawal for sale or gift of wine tonics and/or alcoholic spirituous beverages, including wines, containing more than twenty-one percentum of absolute alcohol (reckoned by volume), but beverages not containing more than fifteen per centum of absolute alcohol reckoned by volume, mixed with carbonated water and/or other sanitary and potable ingredients by the manufacturer and/or bottler thereof, and sold in container filled by such manufacturer or bottler and which are suitable for immediate consumption direct from the original container, shall be subject to the rate of tax and/or license fee hereinafter imposed on alcoholic vinous beverages, is hereby levied and imposed at the rate of eighty cents on each gallon.

(c) **Alcoholic Vinous Beverage License Fees (gallonage).** Any holder of a winery permit or of a wine wholesaler's permit or of a dining car or boat wine permit shall pay unto the State of Alabama a license fee of ten cents on each gallon of alcoholic vinous beverage manufactured and sold and/or withdrawn for sale by him within the State of Alabama, which license fee shall be paid on or before the fifteenth day of each month on all such beverages so manufactured and/or withdrawn for sale by him within the State of Alabama, during the preceding monthly period; said license fee is hereby levied in addition to any and all license fees which may have been paid by him at the time of or as a condition to granting any permit and the same shall be collected by the State Tax Commission as in this Act provided; and the State Tax Commission shall have power to prescribe regulations and maintain gauges in such winery's or wholesaler's premises for the proper gauging of such beverages and the assessment of such license fee. Said license fees are also imposed on any gift or withdrawal for gift within the State of Alabama of any alcoholic vinous beverages by any of said permittees. As to any license fee in respect to alcoholic vinous beverages manufactured within the State or imported into the State of Alabama by any permittee authorized so to do, said tax shall be paid by any permittee, so manufacturing or

importing the same, and any such alcoholic vinous beverages shall only be taxed once. The alcoholic vinous beverages referred to in this paragraph shall include only alcoholic vinous beverages containing twenty-one percentum or less of absolute alcohol reckoned by volume and not by weight); but beverages not containing more than fifteen percentum of absolute alcohol reckoned by volume, mixed with carbonated water and/or other sanitary and potable ingredients by the manufacturer and/or bottler thereof and sold in container filled by such manufacturer or bottler and which are suitable for immediate consumption direct from the original container, shall likewise, be subject to the rate of tax and license or fee imposed in this sub-section (c) on alcoholic vinous beverages. The license fee hereinabove provided in this sub-section (c) shall not, however, apply to or be payable on the sale or withdrawal for sale of wines to any pastor, rabbi and/or priest for sacramental or religious purposes only.

(d) Malt Excise Taxes. (Gallonage). Every manufacturer, wholesaler and/or dealer engaged in the business of selling or manufacturing malt syrup or malt extract or liquid malt or wort shall pay to the State an excise tax, in addition to any and all other taxes, in the amounts hereinafter prescribed, on all malt syrup or malt extract or liquid malt or wort sold, given away, exchanged or bartered; Provided, however, that the same article shall only be taxed once; which tax shall be collected by and paid to the State Tax Commission and by it paid over as in this Act provided; and which tax shall be paid in the following amounts:

(a) On all wort or liquid malt, five (5c) cents per gallon for each gallon or fraction of a gallon.

(b) On all malt syrup or malt extract, five (5c) cents per pound or fraction of a pound; Provided, however, that no tax shall be paid on the sale of malt syrup, malt extract, liquid malt or wort where the same is to be used for medicinal, or laboratory purposes, bakery, or for use in malted milk, nor on any of such products which are manufactured to be exported and sold at a point or points outside of the State of Alabama, nor on any such products manufactured and held for sale in Alabama prior to the effective date of this Act.

It shall be unlawful for any person, dealer, distributor, or manufacturer to sell, offer for sale, display for sale, barter, exchange or give away any malt syrup or malt extract or liquid malt or wort, or any container thereof, in this State, without having first paid the tax as in this Act provided in the manner prescribed by the State Tax Commission.

The excise tax required by this Act shall be paid by the purchase of stamps from the State Tax Commission and by affixing the same to the immediate container of the alcoholic spirituous or

malt beverages therein contained, and duly cancelling the same. The State Tax Commission is hereby granted sole authority to issue said stamps and to determine the denominations in which such stamps shall be issued, and wherever any stamp is required to be used in this Act, it shall mean a stamp issued by said State Tax Commission. The State Tax Commission shall prescribe the manner in which said stamps shall be affixed and cancelled. Such stamps shall be cancelled by the permittee at the time of the withdrawal of said beverages for sale or gift. No permittee mentioned in this paragraph shall sell or give or withdraw any such beverages for sale or gift, nor shall any person accept or receive any alcoholic spirituous or malt beverages from such permittee or from any other person, if the container thereof shall not have affixed thereto duly cancelled stamps of the proper denominations, in the manner required as aforesaid.

The excise tax hereinabove provided, however, shall not apply to or be payable on the sale for delivery outside of the State of Alabama, or withdrawal for sale for delivery outside of the State of Alabama of such wine tonics and/or alcoholic spirituous beverages, including wines, containing more than twenty-one percentum of absolute alcohol (reckoned by volume and not by weight); nor shall it apply to or be payable on the sale or withdrawal for sale of wine to any pastor, rabbi, and/or priest for sacramental or religious purposes only.

(e) General Tax and License Fee Provisions. It shall be unlawful for any person, dealer, retailer, wholesaler, manufacturer, or any other persons holding or not holding a permit, to sell, offer for sale, display for sale, barter, exchange, or give away any alcoholic beverage, or any container thereof, in this state, with respect to which sale, gift, or withdrawal of the same for sale or gift, any tax or license fee is herein imposed, without the tax and/or license fee applicable thereto having first been paid, unless such person is a permittee entitled to have or possess at the time such alcoholic beverages, without the payment of said tax and/or license fee.

The presence on the premises of and/or the possession by any person who is or is not a permittee, of any of the beverages and/or articles and/or liquids described in this section, and not exempt from the taxes and/or fees herein imposed, upon which beverages and/or articles and/or liquids, present or possessed as aforesaid, or with reference to which, the taxes and/or license fees herein imposed are due and unpaid, or which do not bear properly cancelled authentic stamps issued by the State Tax Commission, or which do not bear any other evidence of the payment of taxes and/or license fees required by this act, or by any rule or regulation of the Commissioner or State Tax Commission shall impose upon and create upon the owner and/or person in control of

said premises and/or in possession of said beverages and/or articles and/or liquids described in this section, the obligation to pay all the taxes and/or license fees due and unpaid at double the rates fixed hereinbefore in this section on or with respect thereto, to the State Tax Commission or Commissioner, although the presence of said beverages and/or articles and/or liquids described above in this section, and/or the possession of the same be unlawful under the provisions of this Act.

The State Tax Commission is hereby authorized to examine the books, papers and records of any manufacturer, wholesaler and/or dealer in this State for the purpose of determining whether the tax so imposed by this act has been fully paid, and shall have power to investigate and examine, according to law, any premises where such malt syrup extract or liquid malt or wort or alcoholic beverage is manufactured, possessed, or stored for the purpose of sale, or sold, for the purpose of determining whether the provisions of this act are being complied with, any refusal to permit the examination of any of such books, papers and records or the investigation and examination of such premises shall constitute sufficient reason for the revocation of a permit or the refusal to issue a permit.

The words "gallon" or "gallons", wherever used in this Act, shall be construed to mean a wine gallon or wine gallons. The word "quart" wherever used in this Act shall be construed to mean one-fourth of a wine gallon. The word "pint" wherever used in this Act shall be construed to mean one-eighth of a wine gallon.

(f) Taxes and License Fees, Collection and Disbursement. It is hereby made the duty of the Commissioner to collect all license fees paid for or in connection with the issue of any brewer's permits, distiller's permits, rectifier's permits, winery permits, all industrial alcohol permits, all special permits, all beer wholesaler's permits, all liquor wholesaler's permits, all wine wholesaler's permits, all malt permits of every kind and nature, all dining car and boat permits of every kind and nature, or in respect to the continuance of any of said permits, including any deductions authorized by this Act and retained by the State of Alabama where applications for permits are refused, or as costs paid on account of the transfer of any permit and/or levied and/or required to be collected under this Act. It shall be the duty of the State Tax Commission to collect all excise taxes derived from the sale or gift or withdrawal for sale or gift of any and all alcoholic beverages and/or malt, wort, malt syrup, malt extract and/or liquid malt, with respect to which or on account of which the same are imposed and/or levied at the rate fixed herein (including all gallonage and pintage tax) and also all moneys derived or collected from the sale of stamps authorized hereunder together with all other assessments not specifically included or any other disposal thereof herein made,

including all penalties for the non-payment of taxes herein levied, and the proceeds of all sales and judgments made under or in the enforcement of this Act and it shall deposit same daily with the treasurer of State, into the general fund of the State of Alabama for general fund purposes.

It is also hereby made the duty of the Commissioner to collect all license fees paid for or in connection with the issue of all beer retailer's permits, all liquor retailer's permits, all wine retailer's permits, or in respect to the continuance of any of said permits, including any deduction authorized by this act and retained by the State of Alabama wherein applications for permits are refused, or as cost paid on account of the transfer of any permit and/or levied or required to be collected under this act, and he shall deposit same daily with the treasurer of state.

After any bond required by any provision of this act has been approved by the Commissioner it shall be delivered to the treasurer of State, who shall safely keep the same in his custody subject to the directions of the Commissioner. No bond furnished under the provisions of this Act shall be approved by the Commissioner unless the surety company executing the same shall be solvent and responsible, and before approving any bond the Commissioner shall require the insurance Commissioner of Alabama to furnish copies of reports of surety companies and all other information to the Commissioner touching the reserves and reliability of such surety company. The rates which shall be paid for the advertising of any notices under the provisions of this act shall be those now required to be paid in case of other notices published for and on behalf of the State of Alabama, but said notices shall not be governed as to the number of publications or in any other respect, except by the provisions of this Act.

The Commissioner shall require, if the same shall have been found by the Commissioner to be practicable (and the Commissioner's ruling in that respect or failure to Act shall not be cause for nullifying any provision of this Act requiring the payment of any tax and/or license fee) that any person holding a manufacturer's permit to sell alcoholic malt beverages place or cause to be placed a stamp in such form as is prescribed by the State Tax Commission, evidencing the payment of any tax imposed upon the sale, and/or gift, and/or withdrawal for sale and/or gift of any alcoholic malt beverage; Provided, that said stamps shall be supplied by the State Tax Commission and shall be placed on the keg or container of said alcoholic malt beverage only when the tax has been duly paid on account thereof by the purchase of the appropriate stamps in appropriate denominations from the State Tax Commission of the State of Alabama, and which stamps shall be placed thereon in such manner and at such times as said State Tax Commission may

require. The proceeds of the said tax, after cost of collection has been deducted, shall be covered into the General Fund, for the purpose of paying the appropriations for the common schools and for no other purposes; the proceeds of said tax shall be apportioned to the Common Schools in the same manner as other funds are now apportioned to the said Common Schools.

MISCELLANEOUS PROVISIONS.

Section 35. Miscellaneous Provisions. (a) No alcoholic beverage shall be imported or transported into the State of Alabama unless such beverage is at the time of the importation or transportation thereof into the State of Alabama the absolute property of a permittee who is authorized under this Act to import and/or transport the same into the State of Alabama, but this shall not apply to shipments from another state in continuous transit through the State of Alabama into another state, unless such shipment be intended to evade this act, and for delivery within this State.

(b) Regularly licensed physicians, dentists and/or any person holding a license to practice medicine, or to engage in any profession wherein the treatment of the human body and/or of an animal body is necessarily involved, clinics, non-commercial laboratories, hospitals and/or sanatoria may acquire, own and dispense for medicinal, mechanical or scientific purposes only, and not for beverage purposes, any alcoholic beverage, and/or ethyl alcohol; and any pastor, rabbi, minister or priest may purchase, acquire, possess and dispense wine for sacramental purposes or for performing a religious rite only, without any permit being granted for said purpose.

(c) In addition to any other provision required or which the Commissioner may require to be stated in an application for the issue of any permit hereunder, the applicant shall expressly state, in such language as the Commissioner may by rule or regulation require, that he consents for the duration of such permit, if the same is issued to him, that any police officer or any agent of the Commissioner may at any time, while such permittee holds said permit, enter, inspect, examine and search the premises or vehicle or conveyance to which said permit is applicable for the purpose of ascertaining whether he may have in or on said premises or vehicle or conveyance any alcoholic beverage contrary to any provision of this act or any of the rules or regulations of the Commissioner or is engaged in any practice contrary thereto, or has any alcoholic beverage thereon in respect to which any tax or license fee is due and unpaid, without a warrant or other process of court, and said consent shall be deemed renewed and continued by his retaining said permit, and/or exercising privileges by virtue thereof.

(d) All bonds required by this act shall be executed by a surety company, duly authorized and qualified to do business in Alabama.

(e) Persons granted a permit to carry on any of the businesses or undertakings contemplated by this Act shall, before being qualified to do business, display and post, and keep displayed and posted, in the most conspicuous place in their premises such permit and/or license (excepting dining car permits), and shall promptly procure and keep at his place of business a copy of the rules and regulations, promulgated by the Commissioner.

(f) Any action brought against the Commissioner as such shall be brought in the circuit court of Montgomery County.

(g) Whosoever shall violate any of the prohibitions contained in Section 35 of this Act shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars for the first offense, and for a second or subsequent offense, he shall be fined not less than two hundred dollars nor more than one thousand dollars, to which may be added imprisonment for not less than thirty days nor more than six months.

(h) Whenever any of the persons licensed under this Act fail to account for and/or pay over to the Commissioner or State Tax Commission any license fees and/or excise taxes and/or levies in this Act provided, or defaults in any of the conditions of his bond, or whenever any person, whether licensed hereunder or unlicensed, shall have failed or refused to pay to the Commissioner or the State Tax Commission any obligation or liability, forfeiture and/or penalty imposed upon him by this Act, the Commissioner or State Tax Commission shall report the same to the attorney general who shall immediately institute the necessary action for the recovery of any such license fee, excise tax, levy or any sum due to the State of Alabama, by reason of any of the provisions of this Act, and the prosecuting attorney of the proper county is hereby ordered and directed to assist the said attorney general, whenever by him required.

(i) The sale of alcoholic beverages shall be unlawful from ten o'clock in the evening, Central standard time, until eight o'clock the next morning, Central standard time, on each day of the week except Sunday when it shall be unlawful to sell alcoholic beverages from ten P. M. Saturday until eight A. M. on Monday following. During the time when said business is required to be closed as aforesaid, no alcoholic beverages shall be sold, dispensed, given away or otherwise disposed of in such premises, and the premises whereon the same are licensed to be sold, shall remain closed to the extent that the nature of the business carried on, as at hotels and restaurants, on said premises, will permit. "Premises" in this paragraph shall mean and signify the licensed premises only, and in no case the residential portion of any premises where alcoholic beverages are not kept, sold, furnished or given away under said permit, or, in case of clubs or hotels, the separate rooms furnished guests as sleeping quarters therein.

(j) Except as herein expressly authorized, there shall be no transfer of any permit from the holder thereof to another, nor unless in special instances to be fixed by rule or regulation of the Commissioner, any transfer thereof from one location to another.

(k) There shall be no delivery or transportation of any alcoholic beverage to any permittee holding a retailer's permit hereunder on Sunday.

(l) No applicant shall have the right to compel the issuance of any permit to him.

(m) Any person, firm or corporation that manufactures, sells, gives away or in any other way disposes of or dispenses any spirituous, vinous, malt or other liquor or beverage, taxed by this Act, without first paying the tax thereon, shall be deemed guilty of a felony as same is hereby expressly described as defrauding the State of Alabama out of funds, and upon conviction thereof shall be punished by imprisonment in the State penitentiary for not less than one year and one day nor more than five years.

Any person violating the provisions of sub-section (i) or of sub-section (k) of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than fifty dollars (\$50.00), nor more than five hundred dollars (\$500.00) to which may be added imprisonment for any period of time not exceeding sixty (60) days.

Section 36. To be eligible for appointment to or to hold the office of Commissioner under this Act a person must be more than thirty-one (31) years of age, a citizen of the United States and a resident of this State for more than five (5) years, a qualified voter, and a person of sound morals and known temperate habits and of recognized business ability and not a consumer of intoxicating liquors to any extent whatsoever, it being the purpose to have this Act administered by a person of ability and equipment peculiarly fitting him for the discharge of the duties of the office and who will at no time or in any way encourage the purchase or sale or the consumption of the liquors or beverages or drinks sold or to be sold under this Act. Being mindful of and seeking to the best of his ability to procure a person possessing the qualifications hereinabove set out, the Governor shall appoint the Commissioner who shall hold office for four years and until his successor is appointed and qualified. Before beginning the discharge of the duties of his office, such Commissioner shall take the same oath of office as that required to be taken by Justices of the Supreme Court. Such Commissioner shall also execute a good and sufficient bond in the penal sum of Twenty-five Thousand (\$25,000.00) Dollars payable to the State of Alabama and conditioned to secure the faithful discharge of the duties of said office, the surety on said bond to be a surety company authorized to do business in this State

and to be approved by the Governor. Such Commissioner shall devote his entire time to the discharge of the duties of said office, and for his services he shall receive an annual salary of Thirty-Six Hundred (\$3,600.00) Dollars, payable in equal monthly installments out of the funds realized from the operation of this Act, and in addition thereto the premium on said bond shall be paid out of said funds.

Section 37. Removal of Commissioner.

The Commissioner may be removed from office by impeachment for malfeasance, misfeasance or neglect in office in the same manner and in the same court as sheriffs of this State are authorized to be impeached. And such Commissioner may also be removed from office in proceedings instituted for that purpose in either the Circuit Court of Montgomery County or in the Supreme Court of Alabama on the ground that the Commissioner, either at the time of his appointment or at the time of the institution of such proceedings, did not possess the qualifications stated in Section 36 of this Act to be necessary to render a person eligible for appointment to or to hold the office of Commissioner under this Act. In the latter proceeding the proceeding may be instituted by sworn complaint of a qualified voter, or as impeachment proceedings are instituted, and the two proceedings may be joined in one proceeding.

Section 38. Employees.

The Commissioner shall with the approval of the Governor select and appoint all subordinate officers and employees necessary for the proper administration of this Act, and shall fix their salaries or compensation which shall be paid out of the funds realized from the administration of this Act. The Commissioner shall with the approval of the Governor have power to dismiss any such subordinate officer or employee, and otherwise to organize and fully control and manage the administration of this Act, so long as his acts are within the terms or the spirit hereof. Each and every subordinate officer and/or employee must be over twenty-five (25) years of age, a resident for more than five (5) years of this State and a native of the United States and a qualified voter, and, a person of sound morals and known temperate habits and not a consumer of intoxicating liquors to any extent whatsoever. All subordinate officers and employees shall, in the discretion of the Commissioner, take the same oath as that required of the Commissioner by this Act, and a bond likewise payable and conditioned to be approved by the Commissioner.

Section 39. Removal of Employees.

Any employee or subordinate officer of the Commissioner may be impeached or removed from office or employment on the same grounds and in the same manner as the Commissioner; this in addition to removal by the Commissioner.

Section 40. Cooperation with Agencies.

The Commissioner shall at all times cooperate with the regular departments and agencies of the State, making use of their facilities and services as far as possible so as to prevent needless staff duplications and excessive cost of operation.

Section 41. Not to be Interested in Liquor Business.—

Neither the Commissioner nor any subordinate officer or employee, either individually or as a member of a partnership or as a shareholder or party otherwise interested in a corporation or other enterprise or association, shall have any interest, either direct, or indirect, in manufacturing or trafficking in alcohol or alcoholic liquors, or receive any commission or profit from or have any interest in the purchase or sales by persons under authority of this Act, the purpose being to have this Act administered solely by persons wholly freed from interest in or influenced by the traffic operated hereunder.

Section 42. That any person or persons violating any provision of this Act or of the election laws of Alabama in said election shall be punished as provided in the general election laws of Alabama.

Section 43. If any section or provision of this Act is held invalid because unconstitutional the same shall not affect the other sections or portions of this Act.

Section 44. That an election is hereby ordered on the 14th day of April, 1936, in the several counties of the State of Alabama, for the purpose of securing the views of the qualified electors of the State of Alabama on the question as to whether or not this Act shall become effective. No other question shall be submitted for decision by the people at the election herein ordered.

Section 45. That in said election the votes cast shall be canvassed, tabulated, returns made and results declared in the same manner as in general elections. The officers to hold said election shall be the same and shall be appointed in the same manner and by the same officials and shall be paid the same and in the same manner as is now provided by the election laws of the State for the appointment of officers to hold general elections in the State. All qualified voters of the State may vote at said election and none others. That the said election hereby ordered shall be held and conducted in all things in accordance with this Act and with the laws of Alabama governing general elections.

Section 46. That notice of the election hereby ordered shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each county of the State for at least two successive weeks next preceding the day hereby appointed for such election.

Section 47. That the ballots shall be prepared and printed in all respects as ballots are prepared and printed for general elections

in the counties of the State and shall be paid for in like manner as ballots for such general elections are now paid; and on the official ballot prepared for such election there shall be printed the following words and questions in the same order as herein set forth:

"Question No. 1. Do you favor the taxation and legalization of spirituous, vinous and malt beverages in the State of Alabama in accordance with provisions of House Bill No. 180 approved _____, 1936.

(Place an X opposite the word indicating your choice)

Yes_____

No_____

Section 48. (a) If the majority vote on Question No. 1 on the ballot is "Yes", then this Act shall become effective on the first day of the month next after the returns from said election shall have been opened, and counted in the presence of the Governor, Secretary of State and Attorney General, or two of them; but if the majority vote on Question No. 1 on the ballot is "No", then this Act shall become null and void and of no effect.

(b) In the event that a majority vote on question number 1 on the ballot at said election is "Yes" an election may be held in any county of this State after the expiration of sixty days from the election provided in Section 44 of this Act, and each one year thereafter upon a petition filed with the Probate Judge of said county, containing the names of fifteen (15%) per cent of the qualified voters of such county, as shown by the records in the Probate Office of such County, praying for said election; such election to be called immediately by the Probate Judge of said County, and held and conducted as is now provided by law for special elections. If at any such election a majority of the votes cast therein favors the taxation and legalization of spirituous, vinous and malt beverages then the provisions of this Act shall continue effective after such election, and if a majority of the votes cast in any such election is against the taxation and legalization of spirituous, vinous and malt beverages the provisions of this Act shall be null and void in such county and no permit or license shall be issued in or for such county and the provisions of law now in force with respect to spirituous, vinous and malt beverages shall be and remain in full force and effect.

(c) If the majority vote in any county, on question No. 1 in the election to be held under the provisions of this Act shall be "No", then the provisions of this Act shall not be held to be applicable to such county; but the laws of this State now in force prohibiting the manufacture, sale, transportation and possession of alcoholic liquor and beverages shall be and remain in full force and effect as to such county.

Section 49. All licenses or privileges payable hereunder shall be due on October first of each year and shall be for one year ending September 30th following, and shall be delinquent on the first day of November of each year. Provided, however, if any business licensed by this Act shall commence after the first day of April in any year, the amount of the license or privilege tax shall be one-half of the year's license or privilege tax.

Section 50. Any person, firm or corporation holding a beer retailer's permit unrevoked or a wine retailer's permit unrevoked may sell for consumption on the premises "beer" or "malt beverages" as defined in Subdivision (b) of Section 3 of said Bill, and "wine" or "alcoholic vinous beverages" as defined in Subdivision (d) of Section 3 of said Bill.

Mr. Hamner offered the following amendment to the substitute:

Amend first sentence of Section 44 to read as follows: That an election is hereby ordered on the 5th day of May, 1936, in the several counties of the State of Alabama for the purpose of securing the views of the qualified electors of the State of Alabama on the question as to whether or not this Act shall become effective.

On motion of Mr. Connor the amendment of Mr. Hamner was laid on the table.

Mr. Taylor offered the following amendment to the substitute:

Amend H. B. No. 180, Section 5, Sub-section 1 by adding the following after the last word of said Sub-section:

Provided that no permit hereunder shall be issued to sell or dispose of any alcoholic beverages retail closer than 300 feet of any church in any incorporated city or town, and closer than 500 feet to any church outside of the incorporated limits of any city or town in Alabama.

And the amendment to the substitute was adopted.

Mr. Waldrep offered the following amendment to the substitute:

Amend Section 48 by striking out the last paragraph numbered (c).

On motion of Mr. Poole the amendment to the substitute offered by Mr. Waldrep was laid on the table.

Yeas, 47; nays, 44.

Yeas:

Messrs.:

Mr. Speaker
Blann
Braswell
Bridges
Britton
Byars
Cook
Davis
Denson
De Vane
Dominick
Douglass

Glover
Goolsby
Hall
Hamner
Harrison
Hendley
Henson
Hill
Hodges
Hollis
Johnston
Kelly

Kirby
Lee (Monroe)
Livingston
Lusk
Matthews
Merrill
Miles
Miller
McPhaul
Owen (Etowah)
Petrey
Pool?

Propst
Reid
Reynolds
Robertson (Cullman)
Robinson (Lowndes)
Sightler
Terry
Tidmore
Todd
Toomer
Welch

*Nays:**Messrs.:*

Adams	Goodwyn	Parish (Henry)	Sparks (Walker)
Bateman	Hanks	Parish (Pike)	Spence
Boswell	Hare	Posey (Winston)	Staples
Buffington	Jones	Quarles	Steele
Calhoun	Lee (Bullock)	Rayburn	Street
Carter	Long	Reeder	Taylor
Chichester	Moore	Sanderson	Tolbert
Connor	McDermott	Sanford	Tompkins
Cox	McGowin	Shaver	Waldrep
Delony	Norman (Lowndes)	Shipman	Wallace
Doster	Owens (Madison)	Sparks (Barbour)	Whigham

—44

And the substitute for H. 180, as amended, was adopted.

Yeas, 65; nays, 30.

*Yeas:**Messrs.:*

Adams	Dominick	McDermott	Shaver
Arnold	Doster	McGowin	Shipman
Austin	Glover	McPhaul	Sightler
Bateman	Goodwyn	Norman (Lowndes)	Sparks (Barbour)
Blann	Goolsby	Owen (Etowah)	Sparks (Walker)
Boswell	Hall	Owens (Madison)	Staples
Bridges	Hanks	Parish (Henry)	Steele
Britton	Hare	Parish (Pike)	Street
Byars	Harrison	Poole	Taylor
Calhoun	Hendley	Propst	Todd
Carter	Hodges	Quarles	Tolbert
Castleberry	Jones	Rayburn	Tompkins
Chichester	Langdon	Reynolds	Toomer
Connor	Lee (Bullock)	Robertson (Cullman)	Waldrep
Cox	Long	Sanderson	Wallace
Davis	Miles	Sanford	Whigham
Delony			

—65

*Nays:**Messrs.:**Mr. Speaker*

Braswell	Hill	Matthews	Reeder
Buffington	Hollis	Merrill	Reid
Cook	Johnston	Miller	Robinson (Lowndes)
Denson	Kelly	Moore	Spence
Douglass	Kirby	Petrey	Terry
Hamner	Lee (Monroe)	Posey (Walker)	Tidmore
Henson	Livingston	Posey (Winston)	Welch
	Lusk		

—30

PAIR ANNOUNCED

Mr. DeVane announced a pair with Mr. Norman (Bullock). If Mr. Norman (Bullock) were present he would vote yea and Mr. DeVane would vote nay.

And the bill:

H. 180. To provide for the general revenue of the State of Alabama

As amended by the substitute, as amended, was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 64; nays, 31.

Yeas:

Messrs.:

Adams	Delony	McDermott	Shaver
Arnold	Doster	McGowin	Shipman
Austin	Glover	McPhaul	Sightler
Bateman	Goodwyn	Norman (Lowndes)	Sparks (Barbour)
Blann	Goolsby	Owen (Etowah)	Sparks (Walker)
Boswell	Hall	Owens (Madison)	Staples
Bridges	Hanks	Parish (Henry)	Steele
Britton	Hare	Parish (Pike)	Street
Byars	Harrison	Poole	Taylor
Calhoun	Hendley	Propst	Todd
Carter	Hodges	Quarles	Tolbert
Castleberry	Jones	Rayburn	Tompkins
Chichester	Langdon	Reynolds	Toomer
Connor	Lee (Bullock)	Robertson (Cullman)	Waldrep
Cox	Long	Sanderson	Wallace
Davis	Miles	Sanford	Whigham

—64

Nays:

Messrs.:

Mr. Speaker	Henson	Lusk	Reeder
Braswell	Hill	Matthews	Reid
Buffington	Hollis	Merrill	Robinson (Lowndes)
Cook	Johnston	Miller	Spence
Denson	Kelly	Moore	Terry
Dominick	Kirby	Petrey	Tidmore
Douglass	Lee (Monroe)	Posey (Walker)	Welch
Hamner	Livingston	Posey (Winston)	

—31

PAIR ANNOUNCED

Mr. DeVane announced a pair with Mr. Norman (Bullock). If Mr. Norman (Bullock) were present he would vote yea and Mr. DeVane would vote nay.

RESOLUTION

Mr. Long offered the following resolution:

By Mr. Long:

H. R. 29. Be it resolved by the House of Representatives that whereas the question of Prohibition and of the sale, distribution, and consumption of liquor and all other forms of Alcoholic Bever-

ages has been a controversial question since time in Memoriam and the affects of the consumption of alcohol have now become a scientifically proven fact to be very detrimental to the human system and it is generally conceded by all normal, sane, fair-minded thinking people that alcohol is one of mans' worst enemies and that the control, handling, regulation thereof is a grave and serious question deserving of every precautionary measure.

Now therefore be it resolved by the House of Representatives of the State of Alabama, that just before the final question of the Passage of House Bill No. 180 or any substitute therefor be put, that the Speaker of the House is hereby expressly requested to appoint and designate some member or members of the House to Lead the House again in Prayer, for there is "Power in Prayer", and the House apparently is in dire need of Divine Guidance!!!

The resolution was referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following joint resolution:

By the Rules Committee:

S. J. R. 32. BE IT RESOLVED BY THE SENATE, the House concurring, that when the two houses adjourn today, they adjourn to meet again on Tuesday, March 24, 1936 at ten o'clock.

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Harrison the rules were suspended and S. J. R. 32 was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following bills and ordered same sent forthwith to the House without engrossment:

By Mr. Russell:

S. 110. To further provide for and regulate the selection of candidates for public office by political parties.

Also:

By Mr. Russell:

S. 111. To further provide for and regulate the election of delegates to political party conventions.

Also:

By Mr. Thomas:

S. 122. To amend Section 2 of an Act entitled "An Act to authorize and provide for the establishment of a fund to be known as the Minimum Program Fund, and to define procedures to be used in apportioning the Minimum Program Fund for the elementary and high schools in the various counties and cities of the State." (Approved September 2, 1935.)

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

Privileges and Elections—S. 110, S. 111.

Education—S. 122.

RESOLUTION

Mr. Wallace offered the following resolution:

By Mr. Wallace:

H. R. 30. Whereas, the Mother of Representative, A. P. Williams, died this morning at her home in Thomasville, Alabama, and,

Whereas it is the desire of this House and of the members thereof to express to our colleague our sincere sympathy in the sorrow which has come to him.

Therefore, be it resolved by the House of Representatives of Alabama that we extend to our associate the sincere sympathy of the House in the loss of his mother, and in the sorrow that has come to him.

Be it further resolved that a copy of this resolution be sent to Representative Williams by the Clerk of the House.

On motion of Mr. Wallace the rules were suspended and the resolution was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate bill, your signature thereto is requested:

S. 45. To authorize, permit and empower the Court of County Commissioners of Cherokee County, Alabama, or any like governing body of said County to appropriate ten (10%) per centum of all funds derived from the excise tax on gasoline or other liquid motor fuels, heretofore levied or that may hereafter be collected by the State of Alabama, and paid to the several Counties of this State, such appropriation to be paid monthly into the General Funds of Cherokee County, Alabama, and to be used in the payment of any and all claims payable out of the General Funds of Cherokee County, Alabama, and to continue such appropriation until October 1st, 1938, for the use and benefit of the General Funds of Cherokee County, Alabama; to repeal all laws or parts of laws in conflict with the provisions of this Act, and to provide when the provisions of this Act shall go into effect.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing Message from the Senate.

RECESS

On motion of Mr. Harrison the House recessed until 2 o'clock P. M.

FIFTEENTH DAY—AFTERNOON SESSION

The hour of 2 o'clock P. M. having arrived the House reconvened.

BILL ON THIRD READING

H. 21. In reference to and to further provide for the general revenue of the State of Alabama

Was taken up. The question was on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

WAYS AND MEANS COMMITTEE AMENDMENT TO HOUSE
BILL NO. 21

Amend House Bill No. 21 as follows:

Amend Section 4, sub-section (b) by striking therefrom the following words:

"not having a capital stock represented by shares and which are operated exclusively for the benefit of their depositors".

Further amend House Bill 21, Section 4, sub-section (h), by adding at the end of sub-section (b) of said sub-section (h) the following words:

"or to persons, firms, associations, or corporations for services in repairing or building ships, or for services in towing vessels or other watercraft, or for piloting ships or vessels;"

Further amend said Bill, Section 6 thereof, after the words "secretary or Treasurer" and before the words "of a corporation" the following words:

"or other authorized agent".

Further amend Section 6 of said Bill, by adding the words "a partner or other authorized agent" after the words "or any other group or combination acting as a unit" and before the words "shall make the oath on behalf of the taxpayer".

Further amend said Bill by changing the word "ten" in the third paragraph of Section 7 to the word "five"; and by adding the words "the legal rate of" in the same paragraph after the word "and" and before the word "interest".

Further amend said Bill, Section 8 thereof, by adding in the second paragraph, line nine, (line 19 of the printed bill), after the word "taxpayer" and before the word "until" the following words: "except as against bona fide creditors, purchasers and mortgagees without notice". Also amend Section 8 by changing the words "one hundred percent" to "ten percent" where they appear in the second paragraph of said Section 8.

Further amend said bill by striking out Sections 31 and 32 thereof and insert in lieu thereof the following.

"Section 31. That an election is hereby ordered and shall be held on the _____ day of May, 1936, in the several counties of the State of Alabama, for the purpose of securing the views of the qualified electors of the State of Alabama on the question as to whether or not a sales tax shall become effective for the payment of appropriations for education and health made specifically by the Legislature of 1935.

Section 32. That in said election the votes cast shall be canvassed, tabulated, returns made and results declared in the same manner as in general elections. The officers to hold said election shall be the same and shall be appointed in the same manner and

by the same officials and shall be paid the same and in the same manner as is now provided by the election laws of the state for the appointment of officers to hold general elections in the State. All qualified voters of the State may vote at said election and none others. That the said election hereby ordered shall be held and conducted in all things in accordance with this act and with the laws of Alabama governing general elections.

Section 33. That notice of the election hereby ordered shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each county of the state for at least three successive weeks next preceding the day hereby appointed for such election.

Section 34. That the ballots shall be prepared and printed in all respects as ballots are prepared and printed for general elections in the counties of the State and shall be paid for in like manner as ballots for such general elections are now paid; and on the official ballot prepared for such election there shall be printed the following words and questions in the same order as herein set forth:

"Question No. 1. Shall the proposed sales tax for educational and health purposes become a law?"

(Place an x opposite the word indicating your choice.)

Yes.....

No.....

Section 35. If the majority vote on Question No. 1 on the ballot is "Yes", then this Act shall become effective on the 1st day of June, 1936; but if the majority vote on Question No. 1 on the ballot is "No", then this Act shall become null and void and of no effect.

Section 36. That the result of said election shall be made known by a proclamation of the Governor of the State.

Section 37. That any person or persons violating any provision of this Act or of the election laws of Alabama in said election shall be punished as provided in the general election laws of Alabama.

Section 38. That all laws or parts of laws in conflict with this Act are hereby repealed; and if any section or provision of this Act is held invalid because unconstitutional the same shall not affect the other sections or portions of this Act."

Mr. Robertson (Cullman), Chairman of the Committee of the Whole, offered the following substitute for the bill, H. 21, and pending amendment:

Substitute for House Bill No. 21:

A BILL

To be entitled An Act in reference to and to further provide for the general revenue of the State of Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That when used in the following sections of this Act, numbered from two to 32, both inclusive, the term "person" of the term "company" herein used interchangeably, includes any individual, firm, co-partnership, association or corporation or any other group or combination acting as a unit and the plural as well as the singular number, unless the intention to give a more limited meaning is disclosed by the context. The term "Commission" or "Commissioner" means the State Tax Commission of the State of Alabama. The term "tax year" or "taxable year" means the calendar year. The term "gross sales" includes the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale. The word "taxpayer" means any person liable for taxes hereunder. The term "gross receipts" means the value proceeding or accruing from the sale of tangible, personal property, including merchandise and commodities of any kind and character, and all receipts actual and accrued, by reason of any business engaged in, and without any deduction on account of the cost of the property sold, the cost of the material used, labor cost, or any other expenses whatsoever, and without any deductions on account of losses. The term "wholesaler" or "jobber" as used in this Act shall be used only by a person doing a regular organized wholesale or jobbing business, known to the trade as such, and selling for resale to licensed merchants. A person operating two or more retail stores or mercantile establishments within this State under the same ownership, supervision or management, shall not be included within the meaning of the term "wholesaler" or "jobber" under this Act. The term "retailer" means any person who sells good, wares or merchandise to other persons for the purpose of consumption or use and who are not included in the meaning of the term wholesaler as herein defined. Sales "at wholesale" or "wholesale sales" shall mean sales made in carload lots or in quantities commonly known to the trade as sales made at wholesale. Sales "at retail" or "retail sales" commonly known to the trade as such, shall mean sales made in less than carload lots and which sales are commonly known to the trade as "retail sales". The word "business" as used in this Act, shall include all activities engaged in, or caused to be engaged in, with the object of gain, profit, benefit or advantages, either direct or indirect, and not excepting subactivities producing marketable commodities used or consumed in the main business activity, each of which subactivities shall be considered business engaged in, taxable in the class in which it falls.

Section 2. That on and after the first day of June, 1936, there is hereby levied, in addition to all other taxes of every kind now imposed by law or otherwise imposed by this Act, and shall be collected as herein provided, privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales or receipts, as the case may be, as follows:

(a) Upon every person, firm or corporation engaged or continuing within this State in business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, (not including, however, bonds or other evidences of debt or stock) in an amount equal to two percent of the gross proceeds of sales of the business. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately, the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business.

(b) Upon every person, firm or corporation engaged or continuing within this State in the business of conducting places of amusement and/or entertainment, billiard and pool rooms, bowling alleys, theatres, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling and prize fights, boxing exhibitions, football and baseball games, skating rinks, race tracks, golf courses, or any other place at which amusement or entertainment is offered to the public, including public bathing places, public dance halls of every kind and description within the State of Alabama, an amount equal to two percent of the gross receipts of any such business.

(c) Upon every person, firm or corporation engaging or continuing within this State in the business of conducting collection agencies, commercial or mercantile agencies, hotels, restaurants, cafes, laundries, and ferries, there is hereby levied a privilege or license tax, an amount equal to two percent of the gross receipts of any such business.

(d) There shall be excepted from the gross receipts so as not to be taxed so much thereof as is derived from business conducted in commerce between this State and other States of the United States, or between this State and foreign countries, which the State of Alabama is prohibited from taxing under the Constitution of the United States of America.

(e) The tax imposed by this Act is a tax upon the sale, service or transaction and shall be collected by the person making the sale or rendering the service at the time of making or

rendering such sale, service or transaction. It shall be unlawful for any person to advertise or hold out or state to the public or to any customer directly or indirectly, that the tax or any part thereof imposed by this Act, and required to be collected by him, will be assumed or absorbed by the person or that it will not be added to the selling price of the property sold or service rendered, or if added that it or any part thereof will be refunded.

(f) A situs is hereby declared to exist for the purpose of this Act and there is hereby levied a tax of two percent on the fair market value of goods, wares and merchandise, motor vehicles, radio, receiving sets, phonograph mechanisms, and all articles of trade imported or brought into this State by any consumer on which the tax herein levied has not been paid; provided, said goods, wares and merchandise have terminated their movement into the State of Alabama and the original package in which they were imported has been broken and they have been within the confines of the State of Alabama for a period of more than twenty-four hours prior to their consumption by the importer thereof.

(g) A license tax is hereby levied upon all salesmen and solicitors whose stock of goods, wares and merchandise are located without the State of Alabama and on which the tax herein levied is not paid before delivery to the consumer based upon two percent of the fair market value of the goods, wares and merchandise sold to consumers within this State, by the solicitors or salesmen. The price charged to the consumer or user for the goods, wares and merchandise shall be prima facie evidence of their fair market value.

(h) Provided, however, that the tax proposed to be levied herein shall not exceed one per cent of the gross receipts on the sales of new automobiles.

Section 3. MUST OBTAIN LICENSE FROM THE COMMISSIONER. If any person on or after the first day of June, 1936, shall engage in or continue in any business for which a privilege tax is imposed by Section 2 of this Act, as a condition precedent to engaging or continuing in such business, he shall apply for and obtain from the Commission, upon the payment of the sum of One Dollar, a license to engage in and to conduct such business for the current tax year, upon the condition that he shall pay the tax accruing to the State of Alabama, under the provisions of this Act; and he shall thereby be duly licensed to engage in and conduct such business. Said license shall be renewed annually and shall expire on the 31st day of December of each calendar year, provided that where any person, firm or corporation has obtained a license of permit from the State Tax Commission as provided under Article Thirteen Chapter Three

of an Act to provide for the General Revenue of the State of Alabama, approved July 10, 1935, he shall not be required to obtain a license or permit under this Act.

Section 3½. STATE TAX COMMISSION TO ENFORCE AND ADMINISTER ACT—STAMPS, COUPONS OR TOKENS TO BE ISSUED—PENALTY FOR COUNTERFEITING. When any retail sale of merchandise and the tax thereon ends in a fraction of a cent then this Section shall apply—for the purpose of more efficiently securing the payment of and accounting for the tax imposed by this Act, the State Tax Commission shall make, promulgate and enforce reasonable rules and regulations for the administration and enforcement of the provisions of the Act, and by reasonable rules and regulations may provide for the issuance, sale, affixing, cancellation and payment of and for revenue stamps or coupon books or other method in order to make the provisions of this Act effective, and the State Tax Commission shall cause to be issued and sold at convenient places, stamps, coupons, tokens and other evidences of tax payment to enable purchasers and recipients of taxable sales, services and transactions, to pay the tax when the same amounts to a fractional part of one cent, and when so issued the Commission shall receive such stamps, coupons, tokens or other evidences of tax payment as payment of any tax imposed by this Act. Any person who shall counterfeit, forge or alter any such stamp, coupon, token or other evidence of tax payment issued or caused to be issued by the State Tax Commission, or who shall issue or cause to be issued any imitation of any such stamps, coupons, tokens, or other evidences of tax payment, or who shall attempt to do so, shall be guilty of forgery in the fourth degree and upon conviction shall be punished by imprisonment in the penitentiary for a term of not exceeding five years, or by imprisonment in the county jail for a term of not less than six months.

Section 4. CERTAIN PERSONS EXEMPT FROM PROVISIONS. There are, however, exempted from the provisions of this Act:

(a) Insurance companies which pay the State of Alabama a tax under premiums levied under the provisions of the laws of the State.

(b) Building & Loan Associations, Federal Savings & Loan Associations, State and National Banks, and Mutual Savings Banks.

(c) Labor, agricultural and horticultural Societies and organizations not operated or organized for profit, and no part of income of which inures to the benefit of any stockholder or individual; and receipts from sales made by persons who produce livestock, poultry and other products of farm, grove or garden,

whether said sales be made by the producer or members of his immediate family, or employees forming a part of the producer's organization, in the original state or condition of preparation for sale, and sales of fertilizer, seeds, boxes and/or crates, for use in preparing agricultural products for market; cemetery associations and companies which are organized and operated exclusively for the benefit of their members; fraternal benefit societies, orders or associations operating under the lodge system, or for the exclusive benefit of the members of the fraternity itself; operating under a lodge system, and providing for the payment of death, sick, accident or other benefits to the members of such societies, orders or associations, and to their dependents; corporations, associations or societies organized and operated exclusively for religious, charitable, scientific or educational purposes; business leagues, chambers of commerce, boards of trade, civic leagues, and organizations operated exclusively for the benefit of the community and for the promotion of social welfare.

(d) Amounts received under life insurance policies and contracts paid by reason of the death of the insured.

(e) Amounts received other than amounts paid by reason of death of the insured) under life insurance, endowment or annuity contracts, either during the term or at maturity, upon surrender of the contract, equal to the total amount of premiums paid thereon.

(f) Amounts derived from the sale of school books where the sale price is fixed by state contract.

(g) Amounts received by hospitals, infirmaries and/or sanitariums and also sales of real estate.

(h) Provided, however, that the provisions of Section 2 of this Act shall not apply (a) sales of newspapers, magazines, agricultural, religious, fraternal, patriotic and educational publications or to the sale of advertising space in said newspapers or magazines or to those engaged in making such sales. (b) or to sales of gasoline and lubricating oils, otherwise taxed or to cigars, cigarettes and tobacco products otherwise taxed under this Act, or cereal beverages upon the sale of which a tax is now otherwise levied and collected as provided by law; or to persons, firms, associations or corporations for services in repairing or building ships, or for services in towing vessels or other watercraft, or for piloting ships or vessels, or to the sale of second-hand automobiles; (c) or to persons, firms or corporations, on whom, or for engaging in the business which, a privilege tax is levied by or under the provisions of Section 140, Section 146, Section 145, Section 147, Section 141, Schedule 91 of Section 348, Schedule 92 of Section 348, Section 149, and Schedule 159 of Section 348, of an Act approved July 10, 1935, and entitled, "An Act to provide

for the general revenue of the State of Alabama," or to any street railway or to any public utility selling gas, electricity or water or any utility, or to any person or corporation engaged in the business of transportation.

Nothing in this Act shall be construed as levying any tax upon the gross proceeds received from the sale of cotton or seed cotton or lint cotton or baled cotton whether compressed or not or cotton seed or peanuts in its original condition.

Section 5. The taxes levied hereunder except as otherwise provided under this Act shall be due and payable in monthly installments, on or before the 15th day of the month next succeeding the month in which the tax accrues. The taxpayer shall, on or before the 15th day of the month make out a return, showing the amount of the tax for which he is liable, for the preceding month, and shall mail the same together with a remittance, in the form required by Section 18 of this Act, for the amount of the tax, to the office of the Commissioner. Such monthly return shall be signed by the taxpayer or a duly authorized agent of the taxpayer, but need not be verified by oath.

Provided, that any person taxable under this Act, having cash and credit sales, may report all cash sales made during the first month in which such tax is levied, and each month thereafter shall report all cash sales made during the month and shall include in said report all collections made during the preceding month, provided, such collections are made on credit sales which were made after the effective date of this Act.

Provided, however, that when the total tax for which any person is liable under this Act does not exceed the sum of Ten Dollars for any month, a quarterly return and remittance in lieu of the monthly return may be made on or before the 15th day of the month next succeeding the end of the quarter for which the tax is due.

Provided, further, that when the total tax for which any person is liable under this Act does not exceed the sum of Ten Dollars, in any quarter year, he shall not be required to make either monthly or quarterly return, but an annual return and remittance shall be required under rules and regulations to be prescribed by the Commission, such annual return and remittance to be made on or before the 30th day of the month next succeeding the end of the tax year for which tax is due.

The monthly, quarterly and annual returns required under this Act shall be made upon forms to be prescribed by the Commission.

The Commission for good cause may extend the time for making any return required under the provisions of this Act, and may grant such reasonable additional time within which to make such

return as he may deem proper, but the time for filing any such return shall not be extended beyond the 15th day of the month next succeeding the regular due date of such return.

Section 6. RETURNS TO BE MADE — WHEN — HOW MADE. On or before thirty days after the end of the tax year, each person liable for the payment of a privilege tax under Section 2 of this Act shall make a return showing the gross proceeds of sales or gross receipts of business, and compute the amount of tax chargeable against him in accordance with the provisions of this Act, and deduct the amount of monthly or quarterly payments, (as hereinbefore provided) if any, and transmit with his report a remittance in the form required by Section 18 of this Act covering the residue of the tax chargeable against him to the office of the Commission; such return shall be verified by the oath of the taxpayer, if made by an individual, or by the oath of the President, Vice-President, Secretary or Treasurer or other authorized agent of a corporation, if made on behalf of a corporation. If made on behalf of a partnership, joint adventure, association, trust, estate, or any other group or combination acting as a unit, a partner or other authorized agent, shall make the oath of behalf of the taxpayer. If for any reason it is not practicable for the individual taxpayer to make the oath, the same may be made by any duly authorized agent. The commission for good cause shown may extend the time for making the annual return on the application of any taxpayer and may grant such reasonable additional time within which to make the same as may, by him, be deemed advisable.

Section 7. COMMISSION TO CORRECT ERROR. As soon as practicable after the return is filed the Commission shall examine it, if it then appears that the correct amount of tax is greater or less than that shown in the return, the tax shall be recomputed. If the amount already paid exceeds that which should have been paid on the basis of the tax so computed, the excess so paid shall be credited against the subsequent payment; and if the amount already paid exceeds the correct amount of the tax, the excess shall be credited or refunded to the taxpayer in accordance with the provisions of this Act.

If the amount already paid is less than the amount which should have been paid, the difference to the extent not covered by any credits under this Act, together with interest thereon at the legal rate from the time the tax was due shall be paid upon notice and demand by the Commission.

If any part of the deficiency is due to negligence or intentional disregard of authorized rules and regulations with knowledge thereof, but without intent to defraud, there shall be added as damages five percent of the total amount of the deficiency in the tax, and

the legal rate of interest in such a case shall be collected on the amount of such deficiency in the tax from the time it was due, which interest and damages shall become due and payable upon notice and demand by the Commission.

If any part of the deficiency is due to fraud with intent to evade the tax, then there shall be added as damages not more than one hundred percent of the total amount of the deficiency in the tax, and in such a case the whole amount of tax unpaid, including charges so added shall become due and payable upon notice and demand by the Commission, and an additional one percent per month on the tax shall be added from the date such tax was due until paid. Provided, that no person subject to the tax imposed in this Act, shall be deemed guilty of fraud until such guilt is established by legal and competent evidence in a Court of competent jurisdiction, and any action for fraud arising hereunder may be brought in the Circuit Court of the County where such taxpayers reside.

Section 8. TAXPAYERS MUST KEEP RECORDS—FAILURE TO MAKE RETURNS—DUTY AND POWER OF COMMISSION. It shall be the duty of every person engaging or continuing in this State in any business for which a privilege tax is imposed by this Act to keep and preserve suitable records of the gross receipts and/or gross receipts of sales of such business and such other books or accounts as may be necessary to determine the amount of tax for which he is liable, under the provisions of this Act. And it shall be the duty of every such person to keep and preserve, for a period of two years, all invoices of goods, wares and merchandise purchased, for resale, and all such books, invoices and other records shall be open for examination at any time by the Commission or his duly authorized agent.

If no return is made by any taxpayer required to make returns as provided herein, the Commission shall give written notice by registered mail to such taxpayer to make such returns within thirty days from the date of such notice and if such taxpayer shall fail or refuse to make such returns as he may be required to make in such notice, then such returns shall be made by the Commission from the best information available, and such returns shall be prima facie correct, and the amount of tax shown due thereby shall be a lien against all the property of the taxpayer, except as against bona fide creditors, purchasers, mortgagees, and lien holders without notice until discharged by payment and if payment be not made within thirty days after demand therefor by the Commission there shall be added not more than ten percent as damages together with interest on the tax from the time such tax was due. If such tax be paid within thirty days after

notice by the Commission, then there shall be added ten percent as damages and interest at the legal rate from the time such tax was due until paid; provided, however, in the event such taxpayer in answer to said notice from the Commission shall protest, the Commission shall investigate that question fully before proceeding further under this Section.

Section 9. TAX SHALL BE LIEN. The tax imposed by this Act shall be a lien upon the property of any person subject to the provisions hereof, who shall sell out his business or stock of goods, or shall quit business, and such person shall be required to make out the return provided for under Section 6 within thirty days after the date he sold out his business, or stock of goods, or quit business, and his successor in business shall be required to withhold sufficient of the purchase money to cover the amount of said taxes due and unpaid until such time as the former owner shall produce a receipt from the Commission showing that the taxes have been paid, or a certificate that no taxes are due. If the purchaser of a business or stock of goods shall fail to withhold purchase money as above provided and the taxes shall be due and unpaid after the thirty day period allowed, he shall be personally liable for the payment of the taxes accrued and unpaid on account of the operation of the business by the former owner.

Section 10. AGGRIEVED PERSON MAY FILE PETITION. If any person having made the return and paid the tax as provided by this Act, feel aggrieved by the assessment made upon him for any year by the Commission, he may apply to the Tax Commission by petition, in writing, within thirty days after the notice is mailed to him, for a hearing and correction of the amount of the tax so assessed upon him by the Commission, in which petition he shall set forth the reasons why such hearings should be granted and the amount in which such tax should be reduced. The Tax Commission shall promptly consider such petition, and may grant such hearings or deny the same. If denied, the petitioner shall be forthwith notified thereof; if granted the Tax Commission shall notify the petitioner of the time and place fixed for such hearing. After such hearing, the Tax Commission may make such order in the matter as may appear to it just and lawful, and shall furnish a copy of such order to the petitioner. Any person improperly charged with any tax and required to pay the same, may recover the amount paid, together with interest, in any proper action or suit against the Commission, and the Circuit Court of the county in which the taxpayer resides or is located shall have original jurisdiction of any action to cover any tax improperly collected. It shall not be necessary for the taxpayer to protest against the payment of

the tax or to make any demand to have the same refunded in order to maintain such suit. If any suit to recover taxes paid or to collect taxes the court shall adjudge costs to such extent and in such manner as may be deemed equitable.

Either party to such suit shall have the right to appeal to the Court of Appeal or the Supreme Court of Alabama as now provided by law. In the event a final judgment is rendered in favor of the taxpayer in a suit to recover illegal taxes, then it shall be the duty of the State Comptroller, upon receipt of a certified copy of such final judgment, to issue a warrant directed to the State Treasurer in favor of such taxpayer to pay such judgment, interest and costs. It shall be the duty of the State Treasurer to honor such warrant and pay such judgment out of any funds in the State Treasury.

It shall be the duty of any attorney for the Commission and/or the Attorney General to represent the Commission, or any agent or employee and/or the State of Alabama in all legal matters relating to the enforcement, construction, application and administration of this Act, and in any litigation which may be instituted by the Commission and in which they or either of them may become involved, upon the order and under the direction of the Commission.

Section 11. WARRANT FOR COLLECTION OF TAX—TAX SHALL CONSTITUTE DEBT DUE STATE. (a) If any tax imposed or any portion of such tax be not paid within sixty days after the same becomes due, the Commission shall issue a warrant under official seal directed to the Sheriff of any county of the State commanding him to levy upon and sell the real and personal property of the person owing the same, found within his county, for the payment of the amount thereof, with damages, to the amount of ten percent of the tax in addition to the penalties imposed for failure to make or for making a fraudulent return and interest, and cost of executing the warrant, and to return such warrant to the Commission and pay to it the money collected by virtue thereof by a time to be there specified, not more than sixty days from the date of the warrant.

(b) A tax due and unpaid under this Act shall constitute a debt due the State and may be collected by action in debt upon motion for judgment or other appropriate judicial proceedings, which remedy shall be in addition to all other existing remedies; and it shall constitute a lien upon all the property of the tax payer except negotiable instruments not past due and the same shall be collected together with an additional ten percent of the amount of the tax and penalties imposed for failure to make or for making a fraudulent return, and the cost of collection, if paid within thirty days, after the date it was due, and an additional two percent of

the amount of the tax for each succeeding thirty days elapsing before the tax shall have been paid; provided, however, that the additional two percent penalty shall not be applied until a ten day notice of delinquency shall have been sent to the taxpayer.

(c) Any person against whom a tax shall be assessed as herein provided shall be restrained and enjoined upon the order of the Commission by proper proceedings instituted in the name of the State of Alabama, by suitable action, brought by the Attorney General and/or any district attorney at the request of the Commission and/or the attorney for the Commission, from engaging and/or containing in a business for which a privilege tax is required by the provisions of this Act, until the taxes shall have been paid until such person shall have complied with the provisions of this Act, and such attorneys shall prosecute violations of criminal provision of this Act upon the request of the Commission.

Section 12. ANNUAL RETURN—WHEN TO BE MADE. The assessment of taxes herein made and the annual returns required therefor shall be for the year ending on the 31st day of December; provided, however, that if the taxpayer in transacting his business, keeps the books reflecting the same on a basis other than the calendar year, he may, with the assent of the Commission, make his annual returns and pay taxes for the year covering his accounting period, as shown by the method of keeping the books of his business.

Section 13. IS ADDITIONAL TAX. The tax imposed by this Act shall be in addition to all other licenses and taxes levied by law as a condition precedent to engaging in any business taxable hereunder, except as in this Act otherwise specifically provided. But no municipality or county shall be authorized to levy any tax by virtue of the provision of this Act.

Section 14. LETTERS IN REPORT NOT TO BE DIVULGED. Unless in accordance with the judicial order or as herein provided, the State Tax Commission, its agents, clerks or stenographers shall not divulge the gross receipts, gross proceeds of sales or the amount of tax paid by any person as shown by the reports filed under the provisions of this Act, except to employees of the State Tax Commission for the purpose of checking, comparing and correcting returns, or to the Governor, or to the Attorney General, or any other legal representative of the State in any action in respect to the amount of tax due under the provisions of this Act.

Section 15. The Secretary of State shall withhold the issuance of any certificate of dissolution or withdrawal in the case of any corporation organized under the laws of this State or organized under the laws of another State and admitted to do business in this State until the receipt of a notice from the Commission to the effect that the tax levied under this act against any such corpora-

tion has been paid, if any such corporation is a taxpayer under the law, or until he shall be notified by the Commission that the applicant is not subject to pay a tax hereunder.

Section 16. UNLAWFUL TO REFUSE TO MAKE RETURNS—PENALTY.

It shall be unlawful for any person to fail or refuse to make the return provided to be made in Section 5 and 6 of this Act, or to make any false or fraudulent return or false statement in any return, with intent to defraud the State or to evade the payment of the tax, or any part thereof, imposed by this Act; or for any person to aid or abet another in any attempt to evade the payment of the tax, or any part thereof, imposed by this Act; or for the president, vice-president, secretary or treasurer of any company to make or permit to be made for any company to make or permit to be made for any company or association any false return, or any false statement in any return required by this Act with the intent to evade the payment of any tax hereunder; or for any person to fail or refuse to permit the exemption of any books, paper, account, record, or other data by the Commission, or its duly appointed agent, as required by this Act; or to fail or refuse to permit the inspection or appraisal of any property by the Commission or its duly appointed agent, or to refuse to offer testimony or produce any record as required in this Act. Any person violating any of the provisions of this Section shall be guilty of a misdemeanor and on conviction thereof, shall be fined not more than five hundred dollars or imprisoned not exceeding six months in the county jail or punished by both such fine and imprisonment, at the discretion of the court within the limitations aforesaid. In addition to the foregoing penalties, any person who shall knowingly swear to or verify any false or fraudulent statement, with the intent aforesaid, shall be guilty of the offense of perjury and, on conviction thereof, shall be punished in the manner provided by law. Any company for which a false return, or a return containing a false statement as aforesaid shall be made, shall be guilty of a misdemeanor and may be punished by a fine of not more than Five Hundred Dollars.

Section 17. ADMINISTRATION OF ACT VESTED IN THE STATE TAX COMMISSION. The administration of this Act is vested in and shall be exercised by the State Tax Commission, except as otherwise herein provided, and the enforcement of any of the provisions of this Act in any of the courts of the State shall be under the exclusive jurisdiction of the State Tax Commission who may require the assistance of and act through the prosecuting attorney of any county, or any district attorney, or any attorney for the commission, and may, with the assent of the Governor, employ special counsel in any county to aid the prosecuting attorney, the compensation of whom shall be fixed by and paid only

upon the approval of the Governor; but the district attorney or prosecuting attorney of any county shall receive no fees or compensation for services rendered in enforcing this Act in addition to the salary paid to such officer. The State Tax Commission shall appoint, with the approval of the Governor, as needed, such agents, clerks and stenographers as authorized by law, who shall serve under him and shall perform such duties as may be required, not inconsistent with this Act, and are hereby authorized to act for the Commission as it may prescribe and as provided herein. Each such agent shall execute a bond in the sum of Five Thousand Dollars for the faithful discharge of his duties. All of such agents, clerks, and stenographers may be removed by the State Tax Commission for cause of which the Commission shall be final judge.

In case of violation of the provisions of this Act the Commission may decline to prosecute for the first offense, if in its judgment such violation is not willful or flagrant.

Section 18. COMMISSION TO MAKE REGULATIONS. The Commission shall from time to time promulgate such rules and regulations for making returns and for the ascertainment, assessment and collection of the tax imposed hereunder as he may deem necessary to enforce its provisions; and upon request shall furnish any taxpayer with a copy of such rules and regulations.

Section 19. Commission may examine Books, Etc. The Commission may examine books, papers, records, or other data bearing upon the correctness of any return, or for the purpose of making a return where none has been made, as required by Sections 5 and 6 of this Act, and may require the attendance of any person and take his testimony with respect to any such matter, with power to administer oaths to such person, or persons. If any person summoned as a witness shall fail to obey any summons to appear before the Commission, or shall refuse to testify or answer any material question or to produce any book, record, paper, or other data when required to do so, such failure or refusal shall be reported to the Attorney General, or the District Solicitor, who shall thereupon institute proceedings in the Chancery Court of the county where such witness resides to compel obedience to any summons of the Commission officers who serve summons or subpoenas, and witnesses attending, shall receive like compensation as officers and witnesses in the justice of the peace courts; to be paid from the proper appropriation for the administration of this Act.

Section 20. EXCESS PAYMENT—REFUND. If upon examination of any monthly or quarterly return made under this Act, it appears that an amount of tax has been paid in excess of that properly due, then the amount in excess shall be credited against any tax or installment thereof then due from the taxpayer, under any other subsequent monthly or quarterly return, and any

balance of such excess at the end of the year and upon filing of its annual return, shall be immediately refunded to the tax payer by certificate of overpayment issued by the Commission to the State Auditor which shall be investigated and approved by the Attorney General and the Comptroller shall issue his warrant on the Treasurer, which warrant shall be payable out of any fund appropriated for that purpose. Any taxes recovered by suit by any taxpayer shall be refunded in like manner, but shall be accompanied by a copy of the order or decree of the Court issuing such order or decree.

Section 21. All licenses, taxes or receipts paid to the Tax Commission under the provisions of the foregoing sections of this Act shall be deposited into the State Treasury promptly upon receipt thereof and such licenses, taxes and receipts are hereby appropriated annually and shall be divided as follows, to-wit:

First: The expenses of the administration of this Act shall be the first charge against the proceeds of said licenses, taxes or receipts levied or collected under this Act.

Second: The proceeds collected or received under the provisions of the foregoing sections of this Act shall be paid into the General Fund of the State Treasury and shall be used to pay proportionately the part of the appropriations made by the Legislature of Alabama of the 1935 session for educational purposes and for the conservation of health and sanitation and any appropriation for purposes of relief that may be made by the Legislature of Alabama during the extra session 1936, which appropriations may remain unpaid after applying all funds available for the payment of such appropriations. There shall continue to be paid upon all such appropriations the moneys now provided by law therefor, including the pro-rata share of such appropriations in the General Fund as determined in each year, without taking into consideration the proceeds of the taxes herein levied.

Section 22. The license inspectors of the several counties of the State, when required to do so by the State Tax Commission, shall enforce collection of all delinquent privilege and license taxes levied under this Act, and shall have all the power and authority in enforcing the provisions of said Act as is conferred upon them in the enforcement of the collection of other delinquent license taxes due the State, and shall receive the same fees and emoluments therefor, to be added to the tax collected.

Section 23. Any and all expenses incurred by the State Tax Commission in the Administration of this Act, including the supervision, auditing, clerical and field service, all salaries to be fixed by the Commission with the approval of the Governor, shall be paid out of the money collected under the provisions herein, and the sum of Ten Thousand Dollars, or so much thereof as may be

necessary, is hereby appropriated out of any money in the General Fund of the State Treasury not otherwise appropriated, to be available upon the taking effect of this Act, and to be used by the State Tax Commission in defraying any expenses which may be incurred in the administration and in preparing to administer this Act before sufficient funds shall have been collected from license tax as hereinbefore provided. As soon as a sufficient amount of license taxes shall have been collected under the provisions of Section 2 of this Act, the ten thousand dollars hereby appropriated or so much thereof as shall have been used, shall be returned to the General Fund.

Section 24. INVALIDITY OF PART OF ACT NOT TO INVALIDATE ENTIRE ACT. If any clause, sentence, paragraph or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 25. That an election is hereby ordered and shall be held on the 5th day of May, 1936, in the several counties of the State of Alabama, for the purpose of securing the views of the qualified electors of the State of Alabama on the question as to whether or not a gross receipts tax shall become effective for the payment of appropriations for education and health made by the Legislature of 1935, and any appropriation for purposes of relief that may be made by the Legislature of Alabama during the Extra Session 1936 of the Legislature.

Section 26. That in said election the votes cast shall be canvassed, tabulated, returns made and results declared in the same manner as in general elections, and the State shall reimburse the county for such expenses. The officers to hold said election shall be the same and shall be appointed in the same manner and by the same officials and shall be paid the same and in the same manner as is now provided by the election laws of the State for the appointment of Officers to hold general elections in the State. All qualified voters of the State may vote at said election and none others. That the said election hereby ordered shall be held and conducted in all things in accordance with this Act and with the laws of Alabama governing general elections. Provided, however, if the officers chosen to conduct such election be the same persons chosen to conduct the primary election provided by law to be held on the date named herein, then such officers shall not receive any additional compensation for holding the election provided for herein.

Section 27. That notice of the election hereby ordered shall be given by a proclamation of the Governor which shall be published

in one newspaper once a week in each county of the State for at least two successive weeks next preceding the day hereby appointed for such election.

Section 28. That the ballot shall be prepared and printed in all respects as ballots are prepared and printed for general elections in the counties of the State and shall be paid for in like manner as ballots for such general elections are now paid; and on the official ballot prepared for such election there shall be printed the following words and questions in the same order as herein set forth:

"Question No. 1. Shall the proposed gross retail sales tax for educational, health and relief purposes become a law?"

("Place an x opposite the word indicating your choice.")

Yes.....

No.....

Section 29. If the majority vote on Question No. 1 on the ballot is "Yes", then this Act become effective on the 1st day of June, 1936; but if the majority vote on Question No. 1 on the ballot is "No", then this Act shall be null and void and of no effect.

Section 30. That the result of said election shall be made known by a proclamation of the Governor of the State.

Section 31. That any person or persons violating any provision of this Act or of the election laws of Alabama in said election shall be punished as provided in the general election laws of Alabama.

Section 32. That all laws or parts of laws in conflict with this Act are hereby repealed; and if any section or provision of this Act is held invalid because unconstitutional the same shall not affect the other sections or portions of this Act.

Mr. Kelly offered the following amendment to the substitute for H. 21:

Amendment No. 1 to substitute for H. 21 By Mr. Kelly

Amend section 9 of the substitute for House Bill No. 21 by striking out all of said section after the word "Allowed" in line 13 of said section and add the following in lieu thereof: All goods, wares and merchandise of whatever kind or character purchased from such delinquent tax payer shall be subject to the payment of said tax and a lien is hereby declared to exist upon all such goods, wares and merchandise in favor of the State.

And the amendment was adopted:

Yeas, 64; Nays, 1.

Yeas:

Messrs.:

Mr. Speaker

Adams

Arnold

Austin

Bateman

Blann

Braswell

Bridges

Britton

Byars

Calhoun

Connor

Cox

Davis

Delony

Denson

Dominick	Hollis	Owen (Etowah)	Shipman
Doster	Kelly	Owens (Madison)	Sightler
Douglass	Langdon	Parish (Henry)	Sparks (Walker)
Goodwyn	Livingston	Parish (Pike)	Spence
Goolsby	Long	Petrey	Steele
Hall	Lusk	Posey (Walker)	Street
Hamner	Matthews	Quarles	Taylor
Harrison	Merrill	Reeder	Todd
Hendley	Miller	Reid	Waldrep
Henson	Moore	Reynolds	Wallace
Hill	McDermott	Robinson (Lowndes)	Welch
Hodges	McPhaul	Shaver	Whigham

—64

Nay: Mr. Norman (Lowndes)

— 1

Mr. Kelly offered the following amendment to the Substitute for H. 21:

AMENDMENT NO. 2 TO SUBSTITUTE FOR H. 21 BY KELLY

Amend Section 16 of the substitute for House Bill No. 21 by striking out all of said section beginning immediately after the word "Dollars" in line 10 from the bottom of said section down to and including the word "aforesaid" in Line 7 from the bottom of said section.

And the amendment was adopted.

Mr. Kelly offered the following amendment to the substitute for H. 21:

AMENDMENT NO. 3 TO SUBSTITUTE FOR H. 21 BY KELLY

Amend section 11 of the substitute for House Bill No. 21 by adding the following after the word "Due" in line 10 on page 11 and after the word "Due" in line 6 of subsection B of said section on page 11 "And Homesteads not in excess of 160 acres in area and not in excess of \$2000.00 in value.

And the amendment was adopted.

Mr. Connor offered the following amendment to the substitute for H. 21:

Amend substitute for H. 21, Section 2, sub-sections A, B and C by substituting the words "one per cent" for the words "two per cent" where they appear therein.

On motion of Mr. Harrison the amendment was laid on the table.

Mr. Braswell offered the following amendment to the substitute for H. 21:

Amend substitute for H. 21, Section 4, sub-section (h) by adding after the word "condition" in lien three, paragraph two, the fol-

lowing: Also peanuts, and all farming tools and utensils that cost less than twenty-five dollars each.

And the amendment was defeated.

Mr. Henson offered the following amendment to the substitute for H. 21:

Amend substitute for H. 21 by adding at the end of sub-section H of Section 4 the following: "Groceries and foodstuffs".

On motion of Mr. Harrison the amendment offered by Mr. Henson was laid on the table.

Mr. Long offered the following amendment to the substitute for H. 21:

Amend the substtiute for H. 21, Section 28, by striking out the entire Question No. 1 and substituting therefor the following:

"Question No. 1. Shall the proposed gross retail sales tax become a law?

(Place an X opposite the word indicating your choice).

Yes.....

No.....

On motion of Mr. Harrison the amendment offered by Mr. Long was laid on the table.

And the substitute for the bill, H. 21 and pending committee amendment, as amended, was adopted.

Yeas, 53; Nays, 25.

Yeas:

Messrs.:

Arnold	Goodwyn	Merrill	Sightler
Austin	Hall	Miller	Sparks (Barbour)
Blann	Hamner	Moore	Sparks (Walker)
Boswell	Harrison	McPhaul	Spence
Braswell	Hendley	Owen (Etowah)	Steele
Bridges	Henson	Owens (Madison)	Street
Buffington	Hill	Poole	Terry
Byars	Kelly	Posey (Walker)	Tidmore
Castleberry	Kirby	Propst	Todd
Cox	Langdon	Reeder	Tolbert
Delony	Lee (Bullock)	Reid	Tompkins
Denson	Long	Reynolds	Wallace
Dominick	Lusk	Shipman	Whigham
Douglass			

—53

Nays:

Messrs.:

Adams	Doster	Livingston	Robinson (Lowndes)
Bateman	Goolsby	Miles	Sanderson
Britton	Hanks	McDermott	Shaver
Calhoun	Hodges	Norman (Lowndes)	Taylor
Chichester	Hollis	Parish (Pike)	Waldrep
Connor	Jones	Quarles	Welch
Davis			

—25

PAIRS ANNOUNCED

Speaker Walker announced a pair with Mr. Robertson (Cullman). If Mr. Robertson (Cullman) were present he would vote Yea and Speaker Walker would vote Nay.

Mr. Matthews announced a pair with Mr. Johnston. If Mr. Johnston were present he would vote Yea and Mr. Matthews would vote Nay.

Mr. Staples announced a pair with Mr. McGowin. If Mr. McGowin were present he would vote Nay and Mr. Staples would vote Yea.

And the bill:

H. 21. In reference to and to further provide for the general revenue of the State of Alabama.

As amended by the substitute, as amended, was read a third time at length and passed.

Yeas, 42; Nays, 38.

*Yeas:**Messrs.:*

Arnold	Goodwyn	Lee (Bullock)	Reynolds
Blann	Hamner	Merrill	Shipman
Boswell	Hanks	Miller	Sightler
Bridges	Harrison	McPhaul	Sparks (Walker)
Buffington	Hendley	Owen (Etowah)	Steele
Byars	Henson	Owens (Madison)	Tidmore
Castleberry	Hill	Poole	Tolbert
Cox	Hollis	Propst	Toomer
Delony	Kelly	Reeder	Wallace
Douglass	Kirby	Reid	Whigham
Glover	Langdon		

—42

*Nays:**Messrs.:*

Adams	Doster	McDermott	Shaver
Austin	Goolsby	Norman (Lowndes)	Sparks (Barbour)
Bateman	Hall	Parish (Pike)	Spence
Braswell	Hodges	Petrey	Street
Britton	Jones	Posey (Walker)	Taylor
Calhoun	Livingston	Quarles	Terry
Chichester	Long	Robinson (Lowndes)	Tompkins
Connor	Lusk	Sanderson	Waldrep
Davis	Miles	Sanford	Welch
Dominick	Moore		

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PAIRS ANNOUNCED

Speaker Walker announced a pair with Mr. Robertson (Cullman). If Mr. Robertson were present he would vote Yea and Speaker Walker would vote Nay.

Mr. Denson announced a pair with Mr. Hare. If Mr. Hare were present he would vote Nay and Mr. Denson would vote Yea.

Mr. Todd announced a pair with Mr. DeVane. If Mr. DeVane were present he would vote Yea and Mr. Todd would vote Nay.

Mr. Matthews announced a pair with Mr. Johnston. If Mr. Johnston were present he would vote Yea and Mr. Matthews would vote Nay.

Mr. Staples announced a pair with Mr. McGowin. If Mr. McGowin were present he would vote Nay and Mr. Staples would vote Yea.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

H. 64. To amend Section 3 of Article 1 of an act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

By a vote of a majority of the whole number elected to the Senate; said vote being: Yeas, 22; Nays, 0.

And said bill, as thus amended, was again read a third time at length and passed by a vote of a majority of the whole number elected to the Senate; said vote being: Yeas, 26; Nays, 0.

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 50. To authorize the Board of County Commissioners, or like governing body, of Pickens County, Alabama, to levy and collect a privilege tax on all persons, Corporations, Co-partnerships, Companies, Agencies, Associations and Refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naphtha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil", "fuel oil", or "crude oil", commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; To authorize said Board of County Commissioners, or like governing body, of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; To make provisions for the distribution of the funds derived from said privilege tax; To prohibit

any incorporated city or town in said county from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels on a quantity basis; To repeal the municipal privilege, excise and/or license taxes on gasoline, Woco Pep, or any other motor fuel used by self-propelled vehicles which may now be collected or levied by any incorporated city or town in said County; To provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; To repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective.

Also:

H. 257. To provide for the election of members of the Board of Education of Marion County, and the time and manner thereof and the time and manner of the election and selection of the successors to the present members of said Board; to provide that one member of said Board shall be elected by the qualified electors of each of the sub-divisions of said county herein designated and described; and to provide for their terms of office and to provide for the duties and powers of the said Board of Education, and for the compensation and qualification of members thereof.

Also:

H. 258. To relieve all persons in Marion County, Alabama, of any legal obligation to work on the public roads or streets in said county, or to pay any money in lieu of such obligation to work on the public roads or streets in Marion County, Alabama.

Also:

H. 173. To amend Sections I, II, III, IV, V, VI, VII, VIII, IX, X, XI, and XII, of an Act entitled "An Act to regulate the occupation and practice of Cosmetology in all Counties of the State of Alabama now having or which may hereafter have a population of 400,000 or more according to the last or any subsequent Federal census; to establish a Board of Cosmetological Examiners in each of such counties; to define the duties of such Boards, the election of officers, etc. and their duties; provide for the salaries of such Boards and the employees of such Boards, to define what shall constitute the practice of Cosmetology in such counties; to set up qualifications for apprentices or students in such counties and for admission to practice Cosmetology; to provide for issuance of certificates of registration for shops and schools in such counties; to provide requirements of shops and schools teaching Cosmetology in such counties, provide for the refusal or revocation of certificates of registration in such counties, the requirement of renewal of registration and licenses in such counties and penalties for the violation of this Act," which became a law July 23rd, 1931.

Also:

H. 192. To authorize the Board of Revenue or like governing body of Tuscaloosa County, Alabama, to set up and create out of the general funds of said County a contingent fund not to exceed One Thousand Two Hundred Dollars (\$1,200.00) per annum; to define its purpose and uses and to provide the manner of disbursement of said fund: and to prescribe when this Act shall go into effect.

Also:

H. 191. To amend Section 3 of House Bill No. 525, of the Acts of the Legislature of Alabama, approved June 12, 1935, entitled "An Act to fix the compensation or salary to be paid the Judge of Probate of Tuscaloosa County, Alabama, and to regulate the payment of the same: To provide for the compensation of Clerks, Deputies, Clerical Assistants and other expenses in the probate office of Tuscaloosa County, Alabama, and to require said Judge of Probate to collect all the fees, compensation and allowances heretofore or hereafter collected by said Judge of Probate, and to pay same into the County Treasury of Tuscaloosa County; to provide for the payment of the salary or compensation of said Judge of Probate and the Clerks, Deputies and other clerical assistants, and other office expenses, out of the funds of Tuscaloosa County, and to provide rules and regulations for the management and operation of such office made necessary by changing the method and basis of compensation of such Judge of Probate, and to prescribe when this Act shall go into effect.

Also:

H. 190. To fix the compensation or salary to be paid the Clerk of the Circuit Court of Tuscaloosa County, Alabama, and to regulate the payment of the same; to provide for compensation of Clerks, Deputies, Clerical Assistants and other expenses in said office of the Clerk of the Circuit Court of Tuscaloosa County, Alabama, and to require said Clerk of the Circuit Court to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and to pay same into the County Treasury of Tuscaloosa County, provided, however, that all witness fees, judgments and amounts collected by him, in civil and criminal cases, from whatsoever source, except fees, allowances, legal charges, costs and compensation payable to him as such Clerk, shall be retained in the hands of said Clerk to be paid out and disbursed by him to proper persons or parties in the manner now or hereafter required by law; to provide for the payment of the salary or compensation of said Clerk of the Circuit Court of Tuscaloosa County, and the Clerks, Deputies and other Clerical Assistants and other office expenses out of the funds of Tuscaloosa County, and to provide rules and regulations for the conducting and operation of such

office made necessary by changing the method and basis of compensation of such Clerk of the Circuit Court of Tuscaloosa County, and to prescribe when this Act shall go into effect.

Also:

H. 177. To provide for the appointment of deputy circuit solicitors in all counties of this state, having a population of 300,000 or more according to the last or any subsequent Federal census, to prescribe their duties and to fix their compensation and to provide the way and manner of paying the same.

J. E. Speight,
Secretary.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 10:45 o'clock A. M. March 20, 1936.

H. 25, H. 60, H. 61, H. 66, H. 71, H. 110, H. 24, H. 39, H. 95, H. 104, H. 111, H. 175, H. 242.

E. F. Taylor,
Clerk.

ADJOURNMENT

On motion of Mr. Harrison the House adjourned until Tuesday, March 24, 1936, at 10 o'clock A.M.

SIXTEENTH DAY

House of Representatives,
Montgomery, Alabama,
Tuesday, March 24, 1936.

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Leroy Priest, pastor of Clayton Street Baptist Church, Montgomery, Ala.

ROLL CALL

On a call of the roll of the House the following members answered to their names:

Messrs.:			
Mr. Speaker	De Vane	Lusk	Robinson (Lowndes)
Adams	Dominick	Matthews	Sanderson
Almon	Doster	Merrill	Sanford
Arnold	Douglass	Miles	Shaver
Austin	Glover	Moore	Sightler
Bateman	Goodwyn	McDermott	Sparks (Barbour)
Blann	Haley	McGowin	Sparks (Walker)
Boswell	Hall	McPhaul	Spence
Braswell	Hamner	Norman (Bullock)	Staples
Bridges	Hanks	Norman (Lowndes)	Steele
Britton	Hare	O'Neal	Street
Buffington	Harrison	Owen (Etowah)	Taylor
Bulger	Hendley	Owens (Madison)	Terry
Byars	Henson	Parish (Henry)	Tidmore
Calhoun	Hill	Parish (Pike)	Todd
Carter	Hodges	Petrey	Tolbert
Castleberry	Hollis	Poole	Tompkins
Chichester	Johnston	Posey (Walker)	Toomer
Connor	Jones	Propst	Waldrep
Cook	Kelly	Quarles	Welch
Cox	Kirby	Rayburn	Whigham
Davis	Lee (Bullock)	Reeder	Williams
Delony	Livingston	Reid	Wright
Denson	Long	Robertson (Cullman)	

—95

A quorum was present.

REPORT OF STANDING COMMITTEE ON REVISION OF
JOURNAL

Mr. Speaker:

Your Standing Committee on the Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the House for the Fifteenth Legislative Day and finds same correct.

R. L. Tolbert,
Vice-Chairman.

The report of the Standing Committee on the Revision of the Journal was concurred in and adopted and the Journal of the House for the Fifteenth Legislative Day was approved.

INTRODUCTION OF BILLS

On a call of Counties, Bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:
By Mr. Chichester (by request):

H. 348. To amend Section 4 of An Act Approved July 10, 1935 entitled "An Act to provide for the general revenue of the State of Alabama."

Ways and Means.

By Mr. Douglass (by request) (with notice and proof):

H. 349. For the relief of J. W. Williams by the payment to him out of the Treasury of Jefferson County, Alabama, of Compensation for his injury sustained while he was in the employ and while in the line of and performing his duties as an employee of the County of Jefferson, State of Alabama.

Local Legislation No. Two.

Notice and proof H. 349:

Take notice that the following bill will be introduced in the Legislature in its 1936 Special Session and its passage requested and that this notice is given as provided by Section 106 of the Constitution of Alabama of 1901: The amount named in the bill is subject to reduction at the discretion of the Legislature.

A bill to be entitled an Act for the relief of J. W. Williams by the payment to him out of the Treasury of Jefferson County, Alabama, of compensation for his injury sustained while he was in the employ and while in the line of and performing his duties as an employee of the County of Jefferson, State of Alabama.

Be it enacted by the Legislature:

1. That the County Commission of Jefferson County, Alabama, is hereby authorized, required and directed to draw or cause to be drawn a warrant on the County Treasury of Jefferson County, Alabama, in favor of J. W. Williams for the sum of five thousand dollars (\$5,000.00) as compensa-

tion to him for an injury sustained in November, 1934, and while said J. W. Williams was working as an employee in the line of and performing his duties as an employee for the County of Jefferson, State of Alabama, and under such circumstances that he had no recourse at law to recover damages or compensation for his injuries:

2. That the Treasurer of Jefferson County, Alabama, be and is hereby authorized and directed to pay said warrant out of the general fund of Jefferson County to J. W. Williams.

3. This act shall take affect on its approval by the Governor.

STATE OF ALABAMA, }
JEFFERSON COUNTY. }

Personally appeared before me, a notary public, in and for said State and County, A. H. Cather, who, after being duly cautioned and sworn, deposeth and says as follows: That he is the Editor and Manager of The Southern Labor Review, a weekly newspaper, published in the State of Alabama, County of Jefferson, City of Birmingham, and that a legal notice was published for Four (4) consecutive weeks in the above named paper; and that the said legal notice was published on the dates of (Dates Published Feb. 12-19-26-Mch. 4-1936-) copy of which advertisement is hereto attached.

(Signed) A. H. CATHER,
Editor and Manager.

This the 5th day of March, 1936.

J. C. SHEEHAN,
Notary Public.

(Seal)

By Mr. Shaver (with notice and proof):

H. 350. For the relief of W. E. Butler, Probate Judge of Madison County, Alabama.

Local Legislation No. One.

Notice and proof H. 350:

Notice is hereby given that application will be made to the Legislature of Alabama at its present session for the passage of a local Act, in substance as follows:

An Act for the relief of W. E. Butler, Probate Judge of Madison County, Alabama.

WHEREAS, by an Act of the Legislature of Alabama, approved February 17, 1885, (General Acts 1884-85, pages 591-5), fees and compensation for Judges of Probate for Madison County were fixed and specified:

AND WHEREAS, thereafter Article 24 of the Constitution of Alabama was amended and the amendment duly ratified on the 18th day of July, 1933, and proclaimed by the Governor on August 2, 1933;

AND WHEREAS, by the terms of said constitutional amendment and of an Act of the Legislature of Alabama approved September 9, 1935, the maximum salary, fees, compensation, or amount due public officers, including Judges of Probate, were fixed and limited, and such officers are required by said constitutional amendment and statute to pay over to the County all sums received by them in excess of the maximum permitted to be received, and the reasonable expenses of conducting the office;

AND WHEREAS, W. E. Butler, Probate Judge of Madison County, during that portion of his term from January 15, 1935, thru September 30, 1935, followed the custom of his predecessors in office and collected and received fees, commissions and compensation for the services specified in said Act of the Legislature of Alabama, approved February 17, 1885, in accordance with the schedule of fees and compensation as provided in said Act, and in amounts less than is provided by General Law of Alabama;

Now, therefore, be it enacted by the Legislature of Alabama:

Section 1. That the collection of fees and compensation, by the said W. E. Butler, as Probate Judge of Madison County, for services rendered by him as such Probate Judge, during said period from January 15, 1935 thru September 30, 1935, inclusive, in accordance with the provisions of said Act of the Legislature of Alabama, approved February 17, 1885, be and the same is hereby ratified and validated, and the said W. E. Butler, is hereby released and discharged from any and all liability to Madison County on account of having collected and received fees and compensation during said period from January 15, 1935 thru September 30, 1935, inclusive, in accordance with the provisions of the aforesaid Act, approved February 17, 1885, instead of in accordance with the schedule of fees and compensation for Probate Judges, as set out in the general laws of Alabama, and is hereby relieved from the duty of accounting to Madison County for the period from January 15, 1935, thru September 30, 1935, inclusive, for the difference in specific items of fees for services set out in the said Act approved February 17, 1885, and the fees for such services provided by the General Laws of Alabama for Probate Judges.

Section II. This Act shall go into effect immediately upon its approval by the Governor.

STATE OF ALABAMA }
MADISON COUNTY }

Before me, W. P. Nicholson, a notary public in and for said state and county this day personally appeared Reese T. Amis, who being first duly sworn deposes and says he is Editor of The Huntsville Times, a newspaper of general circulation in the City of Huntsville, Madison County, Alabama, that the foregoing notice of proposed Bill to be introduced for passage in the Legislature of Alabama, was published in said newspaper once a week for four consecutive weeks, on February 20, 1936, February 27, 1936, March 5, 1936, and March 12, 1936.

REESE T. AMIS,
Editor.

Sworn to and subscribed before me this 21 day of March, 1936.

W. P. NICHOLSON,
Notary Public.

By Mr. Owens (Madison):

H. 351. To amend Section 2 of an act of the Legislature of 1935, approved September 14, 1935, and entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled 'An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system and for other purposes'; to provide for the creation of an Alabama

State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act."

Insurance and Insurance Companies.

By Mr. Hill (with notice and proof):

H. 352. To authorize the payment of the per diem and mileage of the members of the Court of County Commissioners of Marion County, Alabama, from the gasoline funds received by said County from the State.

Local Legislation No. One.

Notice and proof H. 352:

NOTICE

Notice is hereby given that at the present extraordinary session of the Legislature of Alabama, application will be made for the passage of a bill in substance as follows:

A BILL To be entitled: An Act

To authorize the payment of the per diem and mileage of the members of the Court of County Commissioners of Marion County, Alabama, from the gasoline funds received by it from the State.

Be it enacted by the Legislature of Alabama:

Section 1. The Court of County Commissioners of Marion County, Alabama, is hereby authorized and empowered to pay the per diem and mileage of the members of said Court, as provided in Section 6771 of the 1923 Code of Alabama, from the gasoline funds received by it from the State.

This, February 18, 1936.

Roy Sanderson,
Judge of Probate
G. W. Mixon
W. C. Byrd
A. E. Alexander
Marvin Pearce
County Commissioners.

PUBLISHER'S AFFIDAVIT

STATE OF ALABAMA,
MARION COUNTY.

Before me, J. D. Sexton, Clerk of Circuit Court in and for said County, in State aforesaid, personally appeared F. B. McKenzie, who, being duly sworn, doth depose and say that he is publisher of The Marion County News, a weekly newspaper published in the Town of Hamilton, State and County

aforesaid, and that a certain advertisement (a true copy of which hereto attached) has been published in said newspaper for four consecutive weeks prior to the 14th day of March, 1936, and the respective numbers and dates of said newspaper in which said publication was made are the following, to-wit: No. 16 the 20th day of February, 1936; No. 17 the 27th day of February, 1936; No. 18 the 5th day of March, 1936; No. 19 the 12th day of March, 1936.

And that there was no agreement between publisher and officer, and that the actual and lowest cost of said advertisement is \$6.80 and unpaid.

F. B. McKENZIE, Publisher.

Sworn to and subscribed before me, this 14th day of March, 1936.

J. D. SEXTON,
Clerk of Circuit Court.

By Mr. Goodwyn:

H. 353. To create in all cities in the State of Alabama, having a population of not less than fifty thousand and not more than sixty-seven thousand five hundred, according to the last or any subsequent Federal census, special funds to be known as "Policemen's And City Employees' Pension And Relief Funds;" to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the Police and all other City Departments except the Fire Department in said cities; to provide for the creation of such funds and for appropriations to make up deficit therein, and how such funds shall be raised or acquired; to provide who shall hear and decide applications for pensions and relief and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the Police and other City Departments except the Fire Department in said cities during their disability, and for the retirement of such members on pension, either by reason of termination of office or disability; to provide for the pensioning of members of such Police and other City Departments except Fire Departments after service therein; to provide for the appropriation for funeral expenses upon the death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide that members receiving benefits shall be bona fide residents of the County in which the pension is paid; to provide for gifts, donations, legacies, or otherwise, to be made to such funds, and for the appointment of trustees and a Board of Pensions for all purposes in connection herewith; to provide penalties for violations of the provisions of this Act; to provide when this Act shall take effect; and to provide that any section or provision of this Act being held unconstitutional shall not affect the validity of any other section or provision.

Local Legislation No. One.

By Mr. Hendley:

H. 354. To amend House Bill No. 324 approved July 10, 1935 "To provide for the general revenue of the State of Alabama Article XIII License Schedule No. 20" relating to battery shops for repairing, recharging or selling batteries in cities and towns.

Ways and Means.

By Mr. Harrison:

H. 355. To amend Section 213 of the Code of Alabama of 1923.

Ways and Means.

By Mr. Arnold:

H. 356. To provide for a more economical, convenient and uniform system of assessing and collecting taxes on real estate in all Counties having a population of forty thousand or more, according to the last, or any succeeding Federal census.

Ways and Means.

By Mr. Harrison:

H. 357. To specify what stated purposes shall control in the expenditure of the proceeds of certain special three-mill district school taxes or special three mill county school taxes where the petition for the tax election, the order of the county governing body calling the election, the notice of the election, or the official ballot provided vary in the statement of the purposes to which the proceeds of such tax shall be devoted; to provide that such variance shall not invalidate any such election or the levy and collection of taxes voted; to provide for the curing of such variances; and to provide further what constitutes submission of purposes to which the proceeds of such tax shall be devoted within the provisions of the Special School Tax Amendment to the State Constitution.

Ways and Means.

By Mr. Taylor:

H. 358. To provide that in all cities now or hereafter having a population of not less than 68,000 or more than 100,000, according to the last or any subsequent Federal census, that any license excise tax, sales tax, permit tax, or other revenue collected hereafter from the sale, disposition, possession, or manufacture of alcoholic beverages, shall be applied by the governing body of such city by whatever name called, to an increase in pay to policemen and firemen employed by said city in the same proportion of their present wage scale.

Local Legislation No. One.

By Mr. Staples:

H. 359. To amend Schedule 158.12 of Section 348 of an act of the Legislature of 1935 approved July 10, 1935, and entitled "An Act to provide for the general revenue of the State of Alabama".

Ways and Means.

By Mr. Staples:

H. 360. To provide for the conversion or exchange of coupon bonds into registered bonds of the same series, denominations and maturities and for the conversion or exchange of registered bonds into coupon bonds of the same series denominations and maturities so that coupon bonds and registered bonds of the same series, denominations and maturities shall be interchangeable, at the option of the holder thereof, of all bonds of the State of Alabama of every kind and character heretofore issued which constitute a direct obligation of the State of Alabama and for the payment of which the full faith and credit of the State of Alabama is pledged; to provide for such conversions or exchanges; to fix the duties of the Governor and State Treasurer relative thereto; to fix the fees to be paid for such conversions or exchanges; to provide for the period during which no such conversions shall be made; to provide for an additional clerk for the State Treasurer; and to provide for the repeal of all laws and parts of laws, general, special, local and private, in conflict with the provisions of this Act."

Ways and Means.

By Mr. Welch:

H. 361. To amend Section 7 of Act No. 102, Extra Session of the Legislature of Alabama of 1923, approved March 29, 1933 (Acts of 1933, p. 88).

Judiciary.

By Mr. Spence:

H. 362. To amend Section 1744 of the 1923 Code of Alabama.
Municipal Organizations.

By Mr. Calhoun:

H. 363. To amend Section 6551 of the Code of Alabama of 1923.

Judiciary.

By Mr. Calhoun:

H. 364. To amend Section 6550 of the Code of Alabama of 1923.

Judiciary.

By Mr. Taylor:

H. 365. To provide that in all counties in the State of Alabama, now or hereafter having more than one hundred and ten thousand population, and less than three hundred thousand population according to the last, or any Federal census, that the Board of Revenue and Road Commissioners of such counties, or whatever may be called, furnish all necessary expenses to the office of Tax Assessor and Tax Collector, which shall include, to be certified by the Tax Collector or Tax Assessor of such counties, or requisition by him. And to provide that the same be paid out of the County Treasury of such county by a warrant to be

drawn by the Board of Revenue and Road Commission of such county.

Local Legislation No. One.

By Mr. Almon:

H. 366. To repeal an act entitled an act, to regulate the business of money brokers and persons who lend money for themselves or others on bill of sale, notes or mortgages on personal property or other personal security, in Jefferson, Morgan, Walker and Etowah Counties.

Judiciary.

By Mr. Almon:

H. 367. To amend Section 10620 of the Code of Alabama, 1923.
Judiciary.

By Mr. Almon:

H. 368. To amend Section 1156 of the Code of Alabama, 1923.
Public Health.

By Mr. Boswell (with notice and proof):

H. 369. To amend Section Two of an Act of the Local Legislature of 1931 to provide for the election of a County Superintendent of Education for Geneva County, Alabama, and to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers, and duties, and to provide for the election of his successor in office.

Local Legislation No. One.

Notice and proof H. 369:

NOTICE

The following bill will be introduced for passage during the present extraordinary session of the Legislature.

AN ACT

To amend Section Two of an Act of the Legislature of 1931 to provide for the election of a County Superintendent of Education for Geneva County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers, duties, and to provide for the election of his successor in office.

Be it enacted by the Legislature of Alabama:

That Section Two of an Act entitled an Act to provide for the election of a County Superintendent of Education for Geneva County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers, and duties, and to provide for the election of his successor in office, approved February 5, 1931, be amended so as to read as follows:

SECTION TWO: That immediately after the passage of this Act a special election shall be called by the Probate Judge of Geneva County, Alabama, and held in Geneva County, Alabama, the expenses thereof to be paid out of the General Fund of said County, for the purpose of electing a Coun-

ty Superintendent of Education for said County, by the qualified electors thereof, who shall assume the duties of his office July 1, 1931, and shall hold office until his successor is elected and qualified, at the general election to be held, on the second Tuesday in November, 1934, at which time his successor in office shall be elected, and thereafter the Superintendent of Education of Geneva County shall be elected quadrennial, and hold office for a term of four years from the first day of July next after his election, unless removed for good cause, nominations for this office shall be made in the primary election as provided for other county offices.

E. C. Boswell.

STATE OF ALABAMA }
GENEVA COUNTY. }

I. H. G. Wilkinson, Editor and Proprietor of the Geneva County Reaper, a weekly newspaper published in Geneva, Geneva County, Alabama, do hereby certify that the advertisement attached hereto has been published in said newspaper for a period of 4 consecutive weeks, commencing Feb. 27, 1936 and ending March 19, 1936.

WITNESS my hand this 19th day of March, 1936.

H. G. Wilkinson.

Sworn to and subscribed before me this 19th day of March, 1936.

W. R. Draughon,

Register in Court of Equity.

BILLS ON SECOND READING

Mr. Welch, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report.

By Mr. McDowell:

S. 76. To further provide for and regulate annual, partial, or final settlements by administrators, executors, guardians and trustees; to authorize the court having jurisdiction of any such settlements, to fix, determine and allow, upon such settlements, the fees or compensation of such administrators, executors, guardians or trustees, and to fix and allow compensation to be paid from any estate to attorneys representing any such administrators, executors, guardians or trustees; and to provide when any such annual or partial settlement shall be final and conclusive.

Mr. Glover, Chairman of the Standing Committee on Local Legislation No. One, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. Castleberry (with notice and proof):

H. 342. To prohibit and make it unlawful for the Town Council or other governing body of the Town of Castleberry, Alabama to make any contract with or grant any franchise to any public utility company respecting the furnishing of electricity to the citi-

zens of said town or to renew or extend any such existing contract without first being authorized by the majority of the votes to be cast in an election to be held in which the proposition shall be voted upon.

By Mr. Hall (with notice and proof):

H. 343. To authorize and empower the Commissioners Court of Greene County, Alabama to appropriate a sum not to exceed Two Hundred Dollars per annum out of the General Fund of Greene County for the purpose of paying for clerical work necessary in making the reports of the County Depository as required by law.

By Mr. Byars (with notice and proof):

H. 340. To provide for the relief of L. W. Gentry, former Treasurer of County School Funds of Lawrence County, Alabama; and to authorize and direct the County Governing Body of Lawrence County to reimburse the said Gentry for premium on the official bond of the Treasurer of School Funds of said County for the year 1932, paid by the said Gentry.

By Mr. Braswell (with notice and proof):

H. 318. To provide that the per diem compensation of members of the Court of County Commissioners of Coffee County, Alabama, be allowed and paid out of the gasoline excise tax funds of the County instead of out of the general funds of the County as now provided by law, and to repeal all laws in conflict with this Act.

Mr. Welch, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. Denson:

H. 347. To amend Section 798, of the Code of Alabama, 1923.

By Mr. Denson:

H. 345. To amend Section 793, of the Code of Alabama, 1923.

By Mr. Denson:

H. 346. To amend Section 10342 of the Code of Alabama, 1923.

Mr. Calhoun, Chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. Calhoun:

H. 336. To Amend Section No. 8281 of the Code of Alabama of 1923, so as to read as follows:

By Mr. Calhoun:

H. 337. To Amend Section No. 8282 of the Code of Alabama of 1923, so as to read as follows:

Mr. Welch, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Walton:

S. 65. To regulate school warrants, school finances, and school tax elections, to validate certain school warrants and indebtednesses, and to repeal all laws in conflict therewith.

Mr. Hendley, Vice-Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Thomas:

S. 122. To amend Section 2 of an Act entitled "An Act to authorize and provide for the establishment of a fund to be known as the Minimum Program Fund, and to define procedures to be used in apportioning the Minimum Program Fund for the elementary and high schools in the various counties and cities of the State." (Approved September 2, 1935.)

The above and foregoing bills were severally read a second time and placed on the Calendar.

ADVISORY OPINION SUPREME COURT ON H. 180.
THE STATE OF ALABAMA—JUDICIAL DEPARTMENT
THE SUPREME COURT OF ALABAMA
OCTOBER TERM, 1935-36

In re. Substitute for House Bill No. 180.

To the Hon. Speaker and Members of the House of Representatives of Alabama, Montgomery.

Sirs:

While distinctions have been drawn between "revenue bills" which by section 70, Constitution, shall not be passed during the last five days of the session and bills to raise revenue, (*Harris v. State*, 228 Ala. 100, 151 So. 858; *In re. Opinions of Justices*, 223 Ala. 224 (18), 139 So. 278; *State, ex rel. Franklin County v. Hester*, 224, Ala. 460, 140, So. 744; *Woco Pep Co. v. Butler*, 225 Ala. 256, 142 So. 509; *Southern Rwy. Co. v. Mitchell*, 139 Ala. 629, 37 So. 85), we do not think that the first feature of the Governor's call, dated February 8, 1936, should be construed to limit the Legislature to "revenue bills" as thus described; but that it also includes a bill whose main purpose is to raise revenue. But when the main purpose is as described in section 1 of the substitute for House Bill 180, referred to in your inquiry, it is clear that raising revenue is merely incidental to the purpose there defined. *Kennamer v. State*, 150 Ala. 74, 43 So. 482; 54 Corpus Juris 744.

An incidental provision by which revenue is raised cannot be sufficient to come within the Governor's call, when the bill has a larger purpose, and is intended to provide for the general welfare of the people within the police power of the Legislature. Especially is this true when the whole policy of the State toward an important police regulation is changed before there can be provision for revenue in that respect. The Governor's call gave no notice that such was intended. We think it is not within the call.

We note you also inquire whether the Act will be in violation of the Constitution for that it shall not become operative until the referendum there provided shall be had and result in favor of its approval.

In this respect we have often held that when an act is complete in itself, it can be made to depend upon some contingency for its operation to become effective. *In re, Opinions of Justices* 227 Ala. 291, 149 So. 776; *Porter Coal Co. v. Davis*, 165 So. 93; *Ward v. State*, 154 Ala. 227, 45 So. 655; *Ex parte Hall*, 156 Ala. 642, 47 So. 199; *McNeill v. Sparkman*, 184 Ala. 96, 63 So. 977. And it has been applied so as to make the operation of liquor laws in the respective counties dependent upon elections provided by the Legislature. *State, ex rel. Crumpton v. Montgomery*, 177 Ala. 212-226; 59 So. 294.

Chief Justice Cooley, in his work on *Constitutional Limitations* (8th ed.) pages 238-9, says:

"If it is not unconstitutional to delegate to a single locality the power to decide whether it will be governed by a particular charter, must it not quite as clearly be within the power of the legislature to refer to the people at large, from whom all power is derived, the decision upon any proposed statute affecting the whole State? And can that be called a delegation of power which consists only in the agent or trustee referring back to the principal the final decision in a case where the principal is the party concerned, and where perhaps there are questions of policy and propriety involved which no authority can decide so satisfactorily and so conclusively as the principal to whom they are referred?"

He then says that if the decision of the question is to depend upon the weight of judicial authority, it would be against the power to submit the question to the vote of the whole State. He proceeds to give the views of both sides of the question. Perhaps more States have followed *Barto v. Himrod*, 8 N. Y. (1853) 483, than have taken a different view, as shown by Judge Cooley, and the notes in 76 A. L. R. 1054, *et seq.*

But the opinion of some of the most eminent jurists of this Country who have written the law for their States have not followed the reasoning of the New York case. Particular attention in this respect is called to the case of *Hudspeth v. Swayze*, 85 N. J. L. 592, 89 Atl. 780, in which many of the cases do not agree with the New York court, are referred to and the reasons noted. Quoting from the case of *State v. Parker*, 26 Vt. 357, that opinion approves this language:

"After a full examination of the arguments by which it is attempted to be maintained, that statutes made dependent upon such contingencies are not valid laws, and a good deal of study and reflection, I must declare that I am fully convinced—although at first, without much examination, somewhat inclined to the same opinion—that the opinion is the result of false analogies, and so founded upon a latent fallacy. It seems to me that the distinction attempted between the contingency of a popular vote and other future uncertainties is without all just foundation in sound policy or sound reasoning, and that it has too often been made more from necessity than choice—rather to escape from an overwhelming analogy than from any obvious difference in principle in the two classes of cases."

And the following is taken from *Smith v. Janesville*, 26 Wis. 291:

"It being conceded that the legislature possessed this general power, the only question here would seem to be whether a vote of the people in favor of a law is to be excluded from the number of those future contingent events upon which it may be provided that it shall take effect. A similar question was before this court in a late case (*State ex rel. Atty. Gen. v. O'Neill*, (1869) 24 Wis. 149), and was very elaborately discussed. We came unanimously to the conclusion, in that case, that a provision for a vote of the electors of the city of Milwaukee in favor of an act of the legislature, before it should take effect, was a lawful contingency, and that the act was valid. That was a law affecting the people of Milwaukee particularly, while this was one affecting the people of the whole State. There the law was submitted to the voters of that city, and here it was submitted to those of the State at large. What is the difference between the two cases? It is manifest, on principle, that there cannot be any. The whole reasoning of that case goes to show that this act must be valid; and so it has been held in the best considered cases, as will be seen by reference to that opinion. We are constrained to hold, therefore, that this act is and was in all respects valid from the time it took effect, in November, 1866; and consequently that there was no want of authority for the levy and collection of the taxes in question."

The New Jersey opinion also quotes from Judge Holmes in a dissenting opinion for Massachusetts, where the result was a three to two holding against his reasoning as follows:

"I admit that the Constitution establishes a representative government, not a pure democracy. It establishes a general court, which is to be the law-making power. But the question is whether it puts a limit upon the power of that body to make laws. In my opinion, the legislature has the whole law-making power, except so far as the words of the Constitution, expressly or impliedly, withhold it; and I think that, in construing the Constitution, we should remember that it is a frame of government for men of opposite opinions, and for the future, and therefore not hastily import into it our own views, or expressed limitations derived merely from the practice of the past. I ask myself, as the only question, what words express or imply that a power to pass a law subject to rejection by the people is withheld? I find none which do so. The question is not whether the people of their own motion could pass a law without any act of the legislature. That, no doubt, whether valid or not, would be outside the Constitution. So, perhaps might be a statute purporting to confer the power of making laws upon them. But the question, put in a form to raise the fewest technical objections, is whether an act of the legislature is made unconstitutional by a proviso that, if rejected by the people, it shall not go into effect. If it does go into effect, it does so by the express enactment of the representative body. I see no evidence in the instrument that this question ever occurred to the framers of the Constitution. It is but a short step further to say that the Constitution does not forbid such a law. I agree that the discretion of the legislature is intended to be exercised. I agree that confidence is put in it as an agent. But I think that so much confidence is put in it that it is allowed to exercise its discretion by taking the opinion of its principal, if it thinks that course to be wise. It has been asked whether the legislature could pass an act subject to the approval of a single man. I am not clear that it could not. The objection, if sound, would seem to have equal force against all forms of local option. But I will consider the question when it arises. The difference is plain between that case and one where the approval required is that of the sovereign body. The contrary

view seems to mean echo of Hobbes' theory that the surrender of sovereignty by the people was final. I notice that the case from which most of the reasoning against the power of the legislature has been taken by later decisions states that theory in language which almost is borrowed from the 'Leviathan.' *Rice v. Foster* (1847) 4 Harr. (Del.) 479, 488. Hobbes urged his notion in the interest of the absolute power of King Charles I., and one of the objects of the Constitution of Massachusetts was to deny it. I answer the first question, 'Yes.' I may add that while the tendency of judicial decision seems to be in the other direction, such able judges as Chief Justices Parker, of Massachusetts, Dixon, of Wisconsin, Redfield, of Vermont, and Cooley, of Michigan, have expressed opinions like mine."

Those quotations give the argument opposed to the New York case, and we think it needs no elaboration, but is complete and sound. It is the view adopted in the following States: North Carolina, *Manley v. Raleigh*, 57 N. C. 370; *Cottrell v. Lenoir*, 173 N. C. 138, 91 S. E. 827; New Jersey, *Hudspeth v. Swayze*, *supra*; Vermont, *State v. Parker*, *supra*; *State v. Scampini*, 77 Vt. 92, 59 Atl. 201; Wisconsin, *Smith v. Janesville*, *supra*; *State v. Freear*, 142 Wis. 320, 125 N. W. 961; *State v. Johnson*, 175 N. W. 589, 7 A. L. R. 1617.

It is true that the majority of the States have held that the legislature cannot submit to the electorate of a State as a whole the question of when or whether a statute properly enacted and complete within itself will be operative.

But we have leaned to the view that such legislation does not offend our Constitution when there is nothing in it to show a limitation on that right.

In respect to the income tax law, while it was not made dependent upon a vote on the Act itself, it was dependent upon a proposal to amend the Constitution voted on by the voters of the State. *In re. Opinions of Justices*, *supra*. And the operation of a law in a county or city may be left to a vote in that county or city. *State, ex rel. v. Montgomery*, *supra*; *Ward v. State*, *supra*; *Ex part Hall*, *supra*.

The Legislature are justified in assuming that we will apply the principles to such acts as here considered, in view of our former cases.

We think therefore that the proposed substitute to House Bill 180 is not in violation of the Constitution on account of its referendum feature.

Tax measures are thought by us to be differentiated as discussed in answer to your inquiry to House Bill 21.

We think that, though not directly mentioned in your Resolution, attention should be called to the omission to mention the referendum in the title of the Act; but we express no opinion as to the effect of not doing so.

Respectfully submitted,

JNO. C. ANDERSON,

Chief Justice.

WILLIAM H. HOLMES,

A. B. FOSTER,

THOMAS E. KNIGHT,

Associate Justices.

To the Hon. Speaker and Members of the House of Representatives of Alabama, Montgomery.

Sirs:

We are in accord with the foregoing views of the majority of the Justices with the one exception as to the referendum feature of the Bill in question, an exception, however, which we feel is fundamental.

It is our opinion, in accord with the weight of authority elsewhere (*People v. Barnett*, 76 A. L. R. 1044, and note), and we think also in accord with sound reasoning as well, that the referendum embraced in this Bill is a delegation by the Legislature of the law-making power conferred upon that body by the peo-

ple in the adoption of our Constitution, and that such delegation is therefore in conflict with the Constitution, and subversive of our representative form of government. Or, as otherwise expressed by the Tennessee Court (*Wright v. Cunningham*, 115 Tenn. 445), granted such delegation of power, "representative constitutional government would be destroyed." If the people wish to establish what is known as a "pure democracy," as contrasted with our present representative form of government, the way is open by constitutional amendment to that end. But until that is done, we think the proper interpretation of our present Constitution forbids legislation of this character.

Our views are more fully expressed in the response made to your inquiry as to House Bill 21, and which response is here adopted as a part hereof,

Respectfully submitted,

LUCIEN O. GARDNER,

VIRGIL BOULDIN,

JOEL B. BROWN,

Associate Justices.

ADVISORY OPINION SUPREME COURT ON H. 21.
THE STATE OF ALABAMA—JUDICIAL DEPARTMENT
THE SUPREME COURT OF ALABAMA

OCTOBER TERM, 1935-36

In re: Substitute for House Bill No. 21.

To the Honorable Speaker and Members of the House of Representatives of Alabama.

Sirs:

1st. We are of the opinion that both the title and subject-matter of the Act relate to the raising of revenue through a gross receipts tax for educational, health and relief purposes. It is, therefore, within the scope of the call of the Governor convening this Special Session of the Legislature, and requires for its passage the customary majority of each House of the Legislature.

2nd. Your Inquiry No. 3, touching the constitutionality of the provisions of this proposed statute submitting same to the vote of the people is of such vital and far-reaching effects, going to the fundamental character of our constitutional form of representative government, that careful consideration of the question has been given, without reaching a unanimous decision.

Section 28 of the proposed law provides for a "Yes" and "No" vote on the following: "Question No. 1. Shall the proposed gross receipts tax for educational, health and relief purposes become a law?"

Section 29 reads: "If the majority vote on Question No. 1 on the ballot is 'Yes', then this Act shall become effective on the 1st day of June, 1936; but if the majority vote on Question No. 1 on the ballot is 'No', then this Act shall become null and void and of no effect."

It is perfectly apparent these provisions show an intent that this Act shall not become a law unless made so by an affirmative vote of the qualified voters. If, therefore, the provision for a referendum is unconstitutional and void, the Act can not become effective in any event.

The Constitution of Alabama decrees:

"Section 44. The legislative power of this State shall be vested in a legislature, which shall consist of a senate and a house of representatives."

Here is the express constitutional provision for representative government, as distinguished from one of direct legislation by the people. It is based on the concept that Democratic Government functions best through a written Constitu-

tion vesting the full legislative power in representatives chosen by the people from all sections of the State, sitting together in two distinct deliberative bodies, with full power to give hearings, make inquiries as to all matters shedding light on the wisdom and fairness of the proposed legislation. Numerous safeguards in the passage of laws are provided, not the least of which is a veto power in the Governor.

The general proposition is everywhere recognized that the Legislature can not delegate its legislative powers, save as authorized by the Constitution itself.

The power to delegate to counties and cities certain legislative powers relating to local governments is a part of the full legislative powers conferred on the Legislature. The power to prescribe the manner in which local governments shall function, includes the power to provide for local referendums. The Constitution, itself, provides for local referendums in several instances, especially those where bonded indebtedness on long term levies of taxes are to be imposed.

But our Constitution provides for no State referendum except on amendments to the Constitution, wherein the action of the people shall become permanent until changed by themselves through further amendment.

By the great weight of authority in America it is firmly held that an enactment to become the law of the State, or not, as the result of a State-wide election, called in the Act, is a delegation of legislative power, or an abrogation of the power conferred on the Legislature, a departure from the fundamental principles of representative government.

The leading case of *Barto v. Himrod*, 8 New York (4 Selden), 483, 59 Am. Dec. 506 (512-13-14), dealing with a Constitution like ours, declared the law in these words:

"All the foregoing provisions contemplate that a law receives its vitality from the legislature. The representatives of the people are the law-makers, and they are responsible to their constituents for their conduct in that capacity. By following the directions of the Constitution, each member has an opportunity of proposing amendments. The general policy of the law, as well as the fitness of its details, is open to discussion. The popular feeling is expressed through their representatives; and the latter are enlightened and influenced more or less by the discussions of the public press.

"A complicated system can only be perfected by a body composed of a limited number, with power to make amendments and to enjoy the benefit of free discussion and consultation. This can never be accomplished with reference to such a system, when submitted to a vote of the people; they must take the system proposed, or nothing; they can adopt no amendments, however obvious may be their necessity. With respect to the single case, where the Constitution requires a submission of the law to the people, the inconvenience is less felt, because only a single proposition is submitted, with respect to which no other answer can be given than yes or no.

"The law under consideration is in conflict with the Constitution in various respects. Instead of becoming a law by the action of the organs appointed by the Constitution for that purpose, it claims to become a law by the vote of the electors; and it claims that the popular vote may make it void and restore the former law. All the safeguards which the Constitution has provided are broken down, and the members of the legislature are allowed to evade the responsibility which belongs to their office."

* * *

"In short, the law was a mere proposition submitted to the people, to be adopted or rejected as they pleased. If this mode of legislation is permitted and becomes general, it will soon bring to a close the whole system of representative government which has been so justly our pride. The legislature will become an irresponsible cabal, too timid to assume the responsi-

bility of lawgivers, and with just wisdom enough to devise subtle schemes of imposture to mislead the people. All the checks against improvident legislation will be swept away, and the character of the Constitution will be radically changed."

A review of the authorities generally will be found in *People of the State of Illinois ex rel. Charles M. Thompson v. Barnett et al., & c.*, 76 A. L. R. 1044, and note page 1053, *et seq.* See, also, 12 C. J. page 841; Cooley's Con. Lim. page 239.

We would add only a few observations on the proposition, advanced by adherents to the minority rule, to the effect that such referendum is merely an appeal to the people, the source of governmental power, and should be approved, on the idea that the servant or agent should abide the decision of his principal.

On clear analysis, the analogy does not hold.

This tax statute, for example, does not leave it to the people whether they shall call an election on the subject. In calling the election, it purports to have the force of law, requires all officers having duties in that connection to proceed to the holding of the election and declare the result, to become effective, although a small minority of the electorate may vote at all.

Again, the Act of the people, when thus made into law, is subject to repeal by the Legislature at any time, the next week, if the Legislature be in session and so will.

This power of repeal, inherent in the power to make laws, can not be abrogated by the Legislature to whom it has been committed by the people as a continuing unimpaired power.

Is it not obvious, there is no reverence for the solemn action of the sovereign people, if their action is subordinate to the will of the Legislature at any time thereafter? Hence, it is that in elections by the people, the officers they elect can only be removed for cause under the Constitution, and laws, and the constitutional changes they make as part of the supreme law remain until the people repeal them.

There is a manifest distinction between acts of this class, and enabling acts to put in force constitutional amendments, if, and when adopted by the people. The referendum in the latter case is one provided for in the Constitution, and the Act is merely contingent on the adoption of the amendment it is designed to put into effect.

When all is said, the referendum here provided is an attempted delegation of legislative power, which, if once sanctioned, may easily lead to the breaking down of a representative government, a casting upon the people, themselves, the duty to leave their ordinary avocations, and devote them to a study of the policy as well as administrative details of laws they are called upon to enact or reject, with no opportunity to amend. Most certainly, it tends to lower the sense of responsibility of the legislator chosen by the people to counsel with his fellows and legislate for his constituents.

We deem the proposed Act in present form unconstitutional and void.

LUCIEN D. GARDNER,
VIRGIL BOULDIN,
JOEL B. BROWN,

Associate Justices.

We concur in the foregoing conclusion as to the Act providing for a sales tax, and in the view that so much thereof as called for a referendum is invalid. We concurred with the majority in upholding the referendum on the repeal or modification of the liquor law, but think that bill and this one can be well differentiated, and it is our opinion that it was never the purpose or intention under our form of government to raise revenue or levy taxes by a general election, except in the few cases provided for by the

Constitution. We think that the fact that the Constitution requires and authorizes elections on a certain character of taxes indicates the idea that elections on all other taxes are excluded. In fact, Section 212 of the Constitution is as follows:

"The power to levy taxes shall not be delegated to individuals or private corporations or associations."

The bill now under consideration is nothing short of a delegation to individuals, that is, the voters of the State, the right and duty of levying the tax in question.

"It is a general rule of constitutional law that a sovereign power conferred by the people upon any one branch or department of the government is not to be delegated by that branch or department to any other. This is a principle which pervades our whole political system and when properly understood admits no exception. And it is applicable with peculiar force to the case of taxation. The power to tax is the legislative power. The people have created a legislative department for the exercise of the legislative power; and within that power lies the authority to describe the rules of taxation and to regulate the manner in which those rules shall be given effect. The people have not authorized this department to relieve itself of the responsibility by a substitution of other agencies."—Cooley on Taxation, Pgs. 99 and 100.

The tax in question not being one of the kind to be levied by an election as provided by our Constitution, the levy of same is peculiarly within the province of the legislature who has no right to delegate the responsibility to the individual voters of the State.

JNO. C. ANDERSON,
 Chief Justice
 WILLIAM H. THOMAS,
 A. B. FOSTER,
 THOMAS E. KNIGHT,
 Associate Justices.

RECONSIDERATION OF H. 21

Mr. Harrison moved to reconsider the vote by which the bill: H. 21. In reference to and to further provide for the general revenue of the State of Alabama

Was passed on the last Legislative Day. And the motion was adopted.

Mr. Harrison moved to reconsider the vote by which the bill, H. 21, was ordered to a third reading on the last Legislative Day. And the motion was adopted.

And on motion of Mr. Harrison the bill, H. 21, was returned to the Calendar of the House.

RESOLUTION

Mr. Calhoun offered the following Resolution:
 By Mr. Calhoun:

H. R. 31. Whereas, the Brother of Representative J. B. Reynolds died yesterday at his home in Ozark, Alabama, and,

Whereas it is the desire of this house and of the members thereof to express to our colleague our sincere sympathy in the sorrow which has come to him.

Therefore, be it resolved by the House of Representatives of Alabama that we extend to our associate the sincere sympathy of the house in the loss of his brother, and in the sorrow that has come to him.

Be it further resolved that a copy of this resolution be sent to Representative Reynolds by the Clerk of the House.

On motion of Mr. Calhoun the rules were suspended and the Resolution was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following bills and sends same herewith to the House without engrossment:

By Mr. Walden:

S. 121. To create and provide for a Purchasing Agent for Henry County, Alabama, dealing with and having reference to all purchases for the use of said county, where said purchase or purchases would be a charge against the funds of the county; naming the Probate Judge as such Purchasing Agent, and require him to serve with compensation and said compensation shall be based on purchase or purchases made by said Agent, and his compensation shall be 2% of the total amount of dollars and cents expended for each month's purchases; the Purchasing Agent shall be paid monthly and out of the funds available for the County; prescribing his powers, authority and duties; requiring all County officials, including County Road Supervisor, to make requisition to said Purchasing Agent for all supplies of every kind and description, including all road and bridge supplies and equipment, stationery, books, dockets, postage stamps and records needed by them in the discharge of their duties; requiring the sheriff of the County, County Road Supervisor, and the keeper or superintendent of the County alms house to make requisition of all supplies of every kind and description needed about the County jail and County alms house, County road and bridge supplies to be purchased by and through the Purchasing Agent, requiring that all purchases for the County, where same is to be paid for from the funds of the County, shall be made by said Purchasing Agent; and to provide penalties for the violation of this Act; to repeal all local or general laws in conflict with this Act and to specifically repeal an Act passed by the Legislature of Alabama, known as House Bill 429, and approved by the Governor, September 13, 1935.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that the following bill be introduced in the Special Session of the Legislature of Alabama in 1936. A bill to be entitled:

AN ACT

To create and provide for a purchasing Agent for Henry County, Alabama, dealing with and having reference to all purchases for the use of said county, where said purchase or purchases would be a charge against the funds of the county; naming the Probate Judge as such Purchasing Agent, and require him to serve with compensation and said compensation shall be based on purchase or purchases made by said Agent, and his compensation shall be two per cent of the total amount of dollars and cents expended for each months purchases, but not exceeding \$50 per month, to be divided proportionately as to purchases between the General Fund and the Gasoline Tax Fund; the Purchasing Agent shall be paid monthly and out of the funds available for the County; prescribing his powers, authority and duties; requiring all County officials including County Road Supervisor to make requisition to said purchasing Agent for all supplies of every kind and description, including all road and bridge supplies nad equipment, stationery, books, dockets, postage stamps, and records needed by them in the discharge of their duties; requiring the sheriff of the county, County Road Supervisor, and the keeper or Superintendent of the County almshouse to make requisition of all supplies of every kind and description needed about the County jail and County almshouse, County road and bridge supplies to be purchased by and through the purchasing Agent, requiring that all purchases for the county, where same is to be paid for from the funds of the County, shall be made by said purchasing Agent; and to provide penalties for the violation of this Act; to repeal all local or general laws in conflict with this Act and to specifically repeal an Act passed by the Legislature of Alabama, known as House Bill 429, and approved by the Governor September 13, 1935.

Dave A. Walden,
Senator 35th Senatorial Dist.

PROOF OF PUBLICATION

STATE OF ALABAMA }
HENRY COUNTY. }

Personally appeared before the undersigned, a Notary Public within and for said County and State, Mrs. H. C. Mitchell, who, being duly sworn, deposes and says that she is the Business Manager of The Wiregrass Farmer, a newspaper published at Headland, in said County and State, and that the notice, An Act to provide for a Purchasing Agent for Henry County, a true copy of which is hereto attached, was published in said paper for 4 consecutive weeks, of the following dates: Feb. 6, 1936; Feb. 13, 1936; Feb. 20, 1936; Feb. 27, 1936.

Mrs. H. C. Mitchell,
Business Manager.
Subscribed and sworn to before me this the 9th day of March, 1936.
R. A. Weeks,
Notary Public.

Also:

By Mr. Simpson:

S. 123. To create and establish in each County of the State of Alabama which has a population of 200,000 or more people, according to the last Federal Census, or which may hereafter have a population of 200,000 or more people, according to any subsequent Federal Census, a Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or part from the public funds of such counties or municipalities located therein; to create a Citizens Supervisory Commission and to create Personnel Boards and other agencies for the supervision and administration of said System in each of such Counties and municipalities thereof, to define the scope and extent of said System and the powers, duties and authority of said Commission, Boards and other agencies; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such Personnel; to provide for the payment of the expenses of each such agency and for a division of expenses between the counties affected and the municipalities therein, to provide penalties for the violation of this Act and of rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof.

Also:

By Mr. Tucker:

S. 127. To regulate the office of the sheriff of Tuscaloosa County, Alabama; to exempt the sheriff of said County from court costs; to fix the compensation or salary to be paid the sheriff of Tuscaloosa County, Alabama, and to regulate the payment of the same; to fix the number and compensation of the sheriff's deputies, guards, jailers, and other employees of the sheriff; to require the deputy sheriffs and special deputy sheriffs of said sheriff to execute official bonds conditioned, payable and approved as the bond of the sheriff; to exempt the sheriff of said County from liability for the acts of the deputies, except in certain cases; to provide for the appointment and compensation of special deputies; to provide for the payment of the premium on the sheriff's and all deputies' bonds out of the County Treasury; to provide that all fees, charges and commissions taxable and collected as sheriff's fees, charges or commissions be paid into the County Treasury, including fees for feeding prisoners, to be paid into the general fund of said County; to provide for the payment of the expenses of the office of said sheriff, including the costs of supplying and maintaining automobiles used by said sheriff in his official business, and authorizing the Board of Revenue to appropriate the necessary money for such expenses, and to regulate the expenditure of same;

authorizing the sheriff of said County to employ an attorney to advise and represent him, whose compensation is to be fixed by the Board of Revenue and paid out of the County Treasury; abolishing in so far as it relates to Tuscaloosa County, sheriff's fees provided for in Section 6717 of the Code of Alabama, 1923, and providing that the sheriff of said County shall furnish bailiffs required in Section 6716 of the Code of Alabama, 1923; to provide that said County shall not be liable for the acts or omissions of said sheriff or any of his deputies, guards, jailers or other employees; to repeal all laws and parts of laws which, as applied to Tuscaloosa County, Alabama, are in conflict with the provisions of said Act; and providing when and how said Act shall become effective.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that at the special session of the Legislature of Alabama called for February 11, 1936, or any recess session thereof, an application will be made for the passage of a Local Bill in substance as follows:

AN ACT

To regulate the office of the sheriff of Tuscaloosa County, Alabama; to exempt the sheriff of said County from court costs; to fix the compensation or salary to be paid the sheriff of Tuscaloosa County, Alabama, and to regulate the payment of the same; to fix the number and compensation of the sheriff's deputies, guards, jailers, and other employees of the sheriff; to require the deputy sheriffs and special deputy sheriffs of said sheriff to execute official bonds conditioned, payable and approved as the bond of the sheriff; to exempt the sheriff of said County from liability for the acts of the deputies, except in certain cases; to provide for the appointment and compensation of special deputies; to provide for the payment of the premium on the sheriff's and all deputies' bonds out of the County Treasury; to provide that all fees, charges and commissions taxable and collected as sheriff's fees, charges or commissions be paid into the County Treasury, including fees for feeding prisoners, to be paid into the general fund of said County; to provide for the payment of the expenses of the office of said sheriff, including the costs of supplying and maintaining automobiles used by said sheriff in his official business, and authorizing the Board of Revenue to appropriate the necessary money for such expenses, and to regulate the expenditure of same; authorizing the sheriff of said County to employ an attorney to advise and represent him, whose compensation is to be fixed by the Board of Revenue and paid out of the County Treasury; abolishing in so far as it relates to Tuscaloosa County, Alabama, sheriff's fees provided for in Section 6717 of the Code of Alabama, 1923, and providing that the sheriff of said County shall furnish bailiffs required in Section 6716 of the Code of Alabama, 1923; to provide that said County shall not be liable for the acts or omissions of said sheriff or any of his deputies, guards, jailers, or other employees; to repeal all laws and parts of laws which, as applied to Tuscaloosa County, Alabama, are in conflict with the provisions of said Act; and providing when and how said Act shall become effective.

Hayse Tucker
W. A. Dominick
J. C. Austin

I hereby certify that the attached notice was published in the Tuscaloosa News once a week for four consecutive weeks; viz: February 18, 25, March 3, 10, 1936.

Bruce Shelton,
Publisher.

Subscribed and sworn to before me on this the 10th day of March, 1936.

Lilla Collins,
Notary Public.

(Seal)

SENATE MESSAGE

The Senate Bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

Local Legislation No. One—S. 121, S. 127.

Local Legislation No. Two—S. 123.

REPORT OF STANDING COMMITTEE ON ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Enrolled Bills reports that it has examined the following House bills, and finds same correctly enrolled, to-wit:

H. 50. To authorize the Board of County Commissioners, or like governing body, of Pickens County, Alabama, to levy and collect a privilege tax on all persons, Corporations, Co-partnerships, Companies, Agencies, Associations and Refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naphtha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil", "fuel oil", or "crude oil", commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; To authorize said Board of County Commissioners, or like governing body, of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; To make provisions for the distribution of the funds derived from said privilege tax; To prohibit any incorporated city or town in said county from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels on a quantity basis; To repeal the municipal privilege, excise and/or license taxes on gasoline, Woco Pep, or any other motor fuel used by self-propelled vehicles which may now be collected or levied by any incorporated city or town in said County; To provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; To repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective.

Also:

H. 64. To amend Section 3 of Article 1 of an act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

Also:

H. 173. To amend Sections I, II, III, IV, V, VI, VII, VIII, IX, X, XI, and XII, of an Act entitled "An Act to regulate the occupation and practice of Cosmetology in all Counties of the State of Alabama now having or which may hereafter have a population of 400,000 or more according to the last or any subsequent Federal census; to establish a Board of Cosmetological Examiners in each of such counties; to define the duties of such Boards, the election of officers, etc. and their duties; provide for the salaries of such Boards and the employees of such Boards, to define what shall constitute the practice of cosmetology in such counties; to set up qualifications for apprentices or students in such counties and for admission to practice Cosmetology; to provide for issuance of certificates of registration for shops and schools in such counties; to provide requirements of shops and schools teaching Cosmetology in such counties, provide for the refusal or revocation of certificates of registration in such counties, the requirement of renewal of registration and licenses in such counties and penalties for the violation of this Act," which became a law July 23rd, 1931.

Also:

H. 177. To provide for the appointment of deputy circuit solicitors in all counties of this state, having a population of 300,000 or more according to the last or any subsequent Federal census, to prescribe their duties and to fix their compensation and to provide the way and manner of paying the same.

Also:

H. 190. To fix the compensation or salary to be paid the Clerk of the Circuit Court of Tuscaloosa County, Alabama, and to regulate the payment of the same; to provide for compensation of Clerks, Deputies, Clerical Assistants and other expenses in said office of the Clerk of the Circuit Court of Tuscaloosa County, Alabama, and to require said Clerk of the Circuit Court to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and to pay same into the County Treasury of Tuscaloosa County, provided, however, that all witness fees, judgments and amounts collected by him, in civil and criminal cases, from whatsoever source, except fees, allowances, legal charges, costs and compensation payable to him as such clerk, shall be retained in the hands of said Clerk to be paid out and disbursed by him to proper persons or parties in the manner now or hereafter required by law; to provide for the

payment of the salary or compensation of said Clerk of the Circuit Court of Tuscaloosa County, and the Clerks, Deputies and other Clerical Assistants and other office expenses out of the funds of Tuscaloosa County, and to provide rules and regulations for the conducting and operation of such office made necessary by changing the method and basis of compensation of such Clerk of the Circuit Court of Tuscaloosa County, and to prescribe when this Act shall go into effect.

Also:

H. 191. To amend Section 3 of House Bill No. 525, of the Acts of the Legislature of Alabama, approved June 12, 1935, entitled "An Act to fix the compensation or salary to be paid the Judge of Probate of Tuscaloosa County, Alabama, and to regulate the payment of the same: To provide for the compensation of Clerks, Deputies, Clerical Assistants and other expenses in the probate office of Tuscaloosa County, Alabama, and to require said Judge of Probate to collect all the fees, compensation and allowances heretofore or hereafter collected by said Judge of Probate, and to pay same into the County Treasury of Tuscaloosa County; to provide for the payment of the salary or compensation of said Judge of Probate and the Clerks, Deputies and other clerical assistants, and other office expenses, out of the funds of Tuscaloosa County, and to provide rules and regulations for the management and operation of such office made necessary by changing the method and basis of compensation of such Judge of Probate, and to prescribe when this Act shall go into effect.

Also:

H. 192. To authorize the Board of Revenue or like governing body of Tuscaloosa County, Alabama, to set up and create out of the general funds of said County a contingent fund not to exceed One Thousand Two Hundred Dollars (\$1,200.00) per annum; to define its purposes and uses and to provide the manner of disbursement of said fund: and to prescribe when this Act shall go into effect.

Also:

H. 257. To provide for the election of members of the Board of Education of Marion County, and the time and manner thereof and the time and manner of the election and selection of the successors to the present members of said Board; to provide that one member of said board shall be elected by the qualified electors of each of the sub-divisions of said county herein designated and described; and to provide for their terms of office and to provide for the duties and powers of the said Board of Education, and for the compensation and qualification of members thereof.

Also:

H. 258. To relieve all persons in Marion County, Alabama, of any legal obligation to work on the public roads or streets of said county, or to pay any money in lieu of such obligation to work on the public roads or streets in Marion County, Alabama.

Dan Gullett Cook,
Chairman.

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

REPORT OF STANDING COMMITTEE ON ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed Bills begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 180. To legalize and regulate the manufacture, sale and possession of alcohol, and alcoholic and malt beverages in Alabama; to create the office of Alcoholic Beverage Commissioner, to fix his term of office, compensation, and powers, and provide for his appointment; to provide and levy a license upon the sale of alcohol and alcoholic malt beverages, and to levy and excise tax thereon, and to regulate their manufacture, possession, sale and transportation, and to provide for the general revenue of the State of Alabama; and to repeal all laws in conflict with this Act.

M. P. Kelly,
Chairman.

The report of the Standing Committee on Engrossed Bills was concurred in and adopted.

BILLS ON THIRD READING

H. 187. To provide funds for the maintenance and operation of the Mobile County Department of Public Welfare; to repeal all laws in conflict herewith and to fix the time when this act shall become effective.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Cox	Livingston	Sanderson
Adams	Delony	Long	Shaver
Almon	Denson	Lusk	Sightler
Arnold	De Vane	Merrill	Spence
Austin	Glover	Miles	Staples
Blann	Goodwyn	Moore	Steele
Boswell	Haley	McDermott	Street
Braswell	Hanks	McGowin	Taylor
Bridges	Hare	McPhaul	Terry
Britton	Hendley	O'Neal	Todd
Bulger	Henson	Petrey	Tolbert
Byars	Hill	Poole	Toomer
Calhoun	Hollis	Quarles	Waldrep
Carter	Jones	Rayburn	Welch
Chichester	Kelly	Reeder	Williams
Connor	Kirby	Reid	Wright
Cook	Lee (Bullock)		

—66

On motion of Mr. McDermott, the bill, H. 187, was ordered sent forthwith to the Senate without engrossment.

H. 186. To validate and make a lawful debt of Mobile County, \$6,385.00 in warrants heretofore issued by said county to the Mobile County Department of Public Welfare, and to require the registration and payment thereof out of the consolidated treasury of Mobile County. To repeal all laws in conflict herewith and to fix the time when this act shall become effective .

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Cox	Livingston	Sanderson
Adams	Delony	Long	Shaver
Almon	Denson	Lusk	Sightler
Arnold	De Vane	Merrill	Spence
Austin	Glover	Miles	Staples
Blann	Goodwyn	Moore	Steele
Boswell	Haley	McDermott	Street
Braswell	Hanks	McGowin	Taylor
Bridges	Hare	McPhaul	Terry
Britton	Hendley	O'Neal	Todd
Bulger	Henson	Petrey	Tolbert
Byars	Hill	Poole	Toomer
Calhoun	Hollis	Quarles	Waldrep
Carter	Jones	Rayburn	Welch
Chichester	Kelly	Reeder	Williams
Connor	Kirby	Reid	Wright
Cook	Lee (Bullock)		

—66

On motion of Mr. McDermott, the bill, H. 186, was ordered sent forthwith to the Senate without engrossment.

H. 221. To provide funds for the maintenance and operation of a County Health Department under direction of the County Health Officer of Mobile County; to repeal all laws in conflict herewith, and to fix the time when this act shall become effective.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Cox	Livingston	Sanderson
Adams	Delony	Long	Shaver
Almon	Denson	Lusk	Sightler
Arnold	De Vane	Merrill	Spence
Austin	Glover	Miles	Staples
Blann	Goodwyn	Moore	Steele
Boswell	Haley	McDermott	Street
Braswell	Hanks	McGowin	Taylor
Bridges	Hare	McPhaul	Terry
Britton	Hendley	O'Neal	Todd
Bulger	Henson	Petrey	Tolbert
Byars	Hill	Poole	Toomer
Calhoun	Hollis	Quarles	Waldrep
Carter	Jones	Rayburn	Welch
Chichester	Kelly	Reeder	Williams
Connor	Kirby	Reid	Wright
Cook	Lee (Bullock)		

—66

On motion of Mr. Taylor, the bill, H. 221, was ordered sent forthwith to the Senate without engrossment.

H. 222. To validate and make a lawful debt of Mobile County, \$8,400.00 in warrants heretofore issued by said county to Headquarters Special Troops 31st Infantry Division, Alabama National Guard and to require the registration and payment thereof out of the consolidated treasury of Mobile County. To repeal all laws in conflict herewith and to fix the time when this act shall become effective.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Braswell	Chichester	Glover
Adams	Bridges	Connor	Goodwyn
Almon	Britton	Cook	Haley
Arnold	Bulger	Cox	Hanks
Austin	Byars	Delony	Hare
Blann	Calhoun	Denson	Hendley
Boswell	Carter	De Vane	Henson

Hill	Miles	Reeder	Taylor
Hollis	Moore	Reid	Terry
Jones	McDermott	Sanderson	Todd
Kelly	McGowin	Shaver	Tolbert
Kirby	McPhaul	Sightler	Toomer
Lee (Bullock)	O'Neal	Spence	Waldrep
Livingston	Petrey	Staples	Welch
Long	Poole	Steele	Williams
Lusk	Quarles	Street	Wright
Merrill	Rayburn		

—66

On motion of Mr. Taylor, the bill, H. 222, was ordered sent forthwith to the Senate without engrossment.

H. 227. To repeal an Act entitled "An Act To Require the Board of School Commissioners of Mobile County to permit each school teacher to be absent from her or his duties for not more than ten school days during each school year without loss of pay, and to require a certificate of ill health by said teacher in order to secure the advantages of this act"; approved March 8, 1933.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Cox	Livingston	Sanderson
Adams	Delony	Long	Shaver
Almon	Denson	Lusk	Sightler
Arnold	De Vane	Merrill	Spence
Austin	Glover	Miles	Staples
Blann	Goodwyn	Moore	Steele
Boswell	Haley	McDermott	Street
Braswell	Hanks	McGowin	Taylor
Bridges	Hare	McPhaul	Terry
Britton	Hendley	O'Neal	Todd
Bulger	Henson	Petrey	Tolbert
Byars	Hill	Poole	Toomer
Calhoun	Hollis	Quarles	Waldrep
Carter	Jones	Rayburn	Welch
Chichester	Kelly	Reeder	Williams
Connor	Kirby	Reid	Wright
Cook	Lee (Bullock)		

—66

On motion of Mr. Staples, the bill, H. 227, was ordered sent forthwith to the Senate without engrossment.

H. 247. To authorize Mobile County, in the State of Alabama, to issue bonds from time to time, not exceeding in the aggregate \$1,600,000.00, which bonds, or the proceeds thereof, shall be used exclusively for paying valid and enforceable unbonded obligations of Mobile County, and unbonded obligations of Mobile County which would be valid and enforceable but for the provision or provisions of the Constitution of Alabama of 1901 fixing the debt limit

of said county, and all past due interest and principal on any valid and enforceable bonded obligations of said county existing on September 30th, 1936; to provide the manner, method, interest rate, maturity, and all necessary details relative to the issuance and selling of such bonds and the retirement thereof; to provide for the manner and method of retiring the obligations which are to be refunded hereunder; to provide that the holder of any such unbonded obligation entitled to be refunded under this act, existing on the 30th day of September, 1936, and not registered with the Treasurer of Mobile County, must present the same for registration to the Treasurer of Mobile County, on or before the 1st day of November, 1936, or the same shall not be entitled to the benefits of this act; to provide what notice shall be given to the holders of such unbonded and unregistered obligations existing on the 30th day of September, 1936; and to provide that the invalidity or unconstitutionality of any section, clause, or provision of this act shall not affect the validity or constitutionality of any other section, clause, or provision hereof; and to provide for the repeal of all laws or parts of laws, special, general, local, or private, in conflict with the provisions of this act."

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Cox	Livingston	Sanderson
Adams	Delony	Long	Shaver
Almon	Denson	Lusk	Sightler
Arnold	De Vane	Merrill	Spence
Austin	Glover	Miles	Staples
Blann	Goodwyn	Moore	Steele
Boswell	Haley	McDermott	Street
Braswell	Hanks	McGowin	Taylor
Bridges	Hare	McPhaul	Terry
Britton	Hendley	O'Neal	Todd
Bulger	Henson	Petrey	Tolbert
Byars	Hill	Poole	Toomer
Calhoun	Hollis	Quarles	Waldrep
Carter	Jones	Rayburn	Welch
Chichester	Kelly	Reeder	Williams
Connor	Kirby	Reid	Wright
Cook	Lee (Bullock)		

—66

On motion of Mr. Staples the bill, H. 247 was ordered sent forthwith to the Senate without engrossment.

H. 259. To provide for additional clerks in the offices of the Probate Judge, Tax Collector, Tax Assessor, Clerk and Register of the Circuit Court, of Mobile County; to fix the method and basis of their appointment and compensation and to designate the fund

from which payable. To repeal all laws in conflict herewith; to provide that the partial invalidity of this act shall not affect the remainder hereof; and to fix the time when this act shall become effective.

Was taken up. Mr. McDermott offered the following amendment to the bill, H. 259:

Amend Section 2 of House bill No. 259 by rewriting the same to read as follows:

"Section 2. The salary of every such clerk appointed as hereinabove provided for shall be paid out of the general funds of Mobile County on warrants drawn by the head of the office or department where such clerk shall be employed."

And the amendment was adopted.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Cox	Livingston	Sanderson
Adams	Delony	Long	Shaver
Almon	Denson	Lusk	Sightler
Arnold	De Vane	Merrill	Spence
Austin	Glover	Miles	Staples
Blann	Goodwyn	Moore	Steele
Boswell	Haley	McDermott	Street
Braswell	Hanks	McGowin	Taylor
Bridges	Hare	McPhaul	Terry
Britton	Hendley	O'Neal	Todd
Bulger	Henson	Petrey	Tolbert
Byars	Hill	Poole	Toomer
Calhoun	Hollis	Quarles	Waldrep
Carter	Jones	Rayburn	Welch
Chichester	Kelly	Reeder	Williams
Connor	Kirby	Reid	Wright
Cook	Lee (Bullock)		

—66

And the bill:

H. 259. To provide for additional clerks in the offices of the Probate Judge, Tax Collector, Tax Assessor, Clerk and Register of the Circuit Court, of Mobile County; to fix the method and basis of their appointment and compensation and to designate the fund from which payable. To repeal all laws in conflict herewith; to provide that the partial invalidity of this act shall not affect the remainder hereof; and to fix the time when this act shall become effective.

As amended, was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Almon	Austin	Boswell
Adams	Arnold	Blann	Braswell

Bridges	Haley	Miles	Sightler
Britton	Hanks	Moore	Spence
Bulger	Hare	McDermott	Staples
Byars	Hendley	McGowin	Steele
Calhoun	Henson	McPhaul	Street
Carter	Hill	O'Neal	Taylor
Chichester	Hollis	Petrey	Terry
Connor	Jones	Poole	Todd
Cook	Kelly	Quarles	Tolbert
Cox	Kirby	Rayburn	Toomer
Delony	Lee (Bullock)	Reeder	Waldrep
Denson	Livingston	Reid	Welch
De Vane	Long	Sanderson	Williams
Glover	Lusk	Shaver	Wright
Goodwyn	Merrill		

—66

On motion of Mr. Staples the bill, H. 259 was ordered sent forthwith to the Senate without engrossment.

H. 260. To appropriate out of any monies collected as fees now or afterwards in possession of the Probate Judge of Mobile County \$175.00 per month and the pro-rata fractional part thereof, from November 20th, 1935 to the date of the passage of this act, to the person who has been performing necessary work as an assistant tax redemption clerk in said Probate Court. Said sums to be in compensation for said services which have been rendered. To provide the method of payment thereof. To repeal all laws in conflict herewith and to fix the time when this act shall become effective.

Was taken up. Mr. McDermott offered the following amendment to the bill, H. 260:

Amend the title and Section 1 of House bill No. 260 by inserting the figures "\$150.00" in lieu of the figures "\$175.00" where said figures appear in the Title and Section 1 of said bill.

And the amendment was adopted.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Cox	Livingston	Sanderson
Adams	Delony	Long	Shaver
Almon	Denson	Lusk	Sightler
Arnold	De Vane	Merrill	Spence
Austin	Glover	Miles	Staples
Blann	Goodwyn	Moore	Steele
Boswell	Haley	McDermott	Street
Braswell	Hanks	McGowin	Taylor
Bridges	Hare	McPhaul	Terry
Britton	Hendley	O'Neal	Todd
Bulger	Henson	Petrey	Tolbert
Byars	Hill	Poole	Toomer
Calhoun	Hollis	Quarles	Waldrep
Carter	Jones	Rayburn	Welch
Chichester	Kelly	Reeder	Williams
Connor	Kirby	Reid	Wright
Cook	Lee (Bullock)		

—66

And the bill:

H. 260. To appropriate out of any monies collected as fees now or afterwards in possession of the Probate Judge of Mobile County \$175.00 per month and the pro-rata fractional part thereof, from November 20th, 1935 to the date of the passage of this act, to the person who has been performing necessary work as an assistant tax redemption clerk in said Probate Court. Said sums to be in compensation for said services which have been rendered. To provide the method of payment thereof. To repeal all laws in conflict herewith and to fix the time when this act shall become effective.

As amended, was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Cox	Livingston	Sanderson
Adams	Delony	Long	Shaver
Almon	Denson	Lusk	Sightler
Arnold	De Vane	Merrill	Spence
Austin	Glover	Miles	Staples
Blann	Goodwyn	Moore	Steele
Boswell	Haley	McDermott	Street
Braswell	Hanks	McGowin	Taylor
Bridges	Hare	McPhaul	Terry
Britton	Hendley	O'Neal	Todd
Bulger	Henson	Petrey	Tolbert
Byars	Hill	Poole	Toomer
Calhoun	Hollis	Quarles	Waldrep
Carter	Jones	Rayburn	Welch
Chichester	Kelly	Reeder	Williams
Connor	Kirby	Reid	Wright
Cook	Lee (Bullock)		

—66

On motion of Mr. Taylor the bill, H. 260 was ordered sent forthwith to the Senate without engrossment.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 92. To allow the sheriff of Elmore County an additional deputy; to provide for his appointment, qualification by giving bond, to hold office at the pleasure of said sheriff, to fix his compensation and provide for payment thereof out of the general fund of the county; and to provide for appointment of a successor where such deputy is removed, dies or resigns.

Also:

S. 95. To authorize and empower any municipal corporation located in Tuscaloosa County, Alabama, to use for general purposes all or any part of the funds derived by it under the provisions of an Act of the Legislature of Alabama, approved September 9th, 1935, entitled "An Act to authorize the Board of Revenue of Tuscaloosa County, Alabama, to levy and collect a privilege tax on all persons, Corporations, Co-partnerships, Companies, Agencies, Associations and Refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naptha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil", "fuel oil", or "crude oil", commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; To authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; To make provision for the distribution of the funds derived from said privilege tax; To prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis; To repeal the municipal privilege, excise and/or license taxes on gasoline, Woco-Pep, or any other Motor fuel used by self propelled vehicles which may now be collected or levied by any incorporated city or town in said County; To provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; To repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective."

Also:

S. 96. To authorize and empower the Board of Revenue of Tuscaloosa County, Alabama, to use a portion, or so much thereof as may be necessary, of the funds which are to be paid to Tuscaloosa County, Alabama, under the provisions of Article 13, Chapter IV, of the Act of the Legislature of Alabama approved July 10, 1935, entitled "An Act to Provide for the General Revenue of the State of Alabama," for the purpose of paying interest on, and establishing a sinking fund for the retirement of, any bonds of Tuscaloosa County, Alabama, which have been sold, or which may hereafter be sold, to provide funds for paving or aiding in the paving of any public roads in Tuscaloosa County which are, or which hereafter may be, designated as State Aid Roads by the State Highway Commission of Alabama, and which State Highway Commission with State funds or State and Federal Aid funds has improved and has let contracts for paving and has paved, or which it may

hereafter improve and let contracts for paving, and that all laws and parts of laws in conflict with the provisions of this Act be repealed insofar as they apply to Tuscaloosa County, Alabama.

Also:

S. 97. To provide a fund for the support of a law library for the circuit court of Tuscaloosa County, Alabama, without appropriations from the State or county treasury, by the assessment and collection of court costs in all actions, suits, cases and proceedings hereafter filed in or brought to the circuit court of Tuscaloosa County, Alabama, and to fix the custodian of said funds and to provide regulations for the purchase, custody and handling of said library.

Also:

S. 99. For the relief of I. R. Reddoch, Judge of Probate of Crenshaw County, Alabama.

Also:

S. 107. To authorize and direct the Board of Revenue of Calhoun County, Alabama to pay for advertising the notice and substance of local bills to be introduced or having been introduced in the Legislature for said County when the bill applies to the whole County.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing Message from the Senate.

BILL ON THIRD READING

H. 125. To amend Section 51, of an Act approved August 23, 1927, entitled: An Act To provide a general system of legislation pertaining to public roads, highways and bridges, including therein the establishment of a State Highway Department and State Highway Commission; to create the office of Alabama Highway Director in Alabama; to define and regulate the powers, duties and authority of the State Highway Commission and of local authorities, boards of revenue, courts of county Commissioners, municipalities or like governing bodies; to provide authority and empower the Board of Administration to make agreements and contracts with

the State Highway Commission for convict labor and let contracts for signs, advertising, etc., on highways; to define and provide rules of the road, including traffic regulations, penal violations, duties of owners and drivers and the regulation as to size, weight and equipment of motor vehicles moving over, along, or upon such roads; to provide for the establishment, discontinuance, working and maintenance of public roads, bridges and ferries; to provide for the establishment and maintenance of private roads; to provide for State Bonds for construction and maintenance of roads, issue and sale of; Good Roads Day established; Offenses concerning toll bridges, turn-pikes and causeways; protecting bridges from floating logs and to provide against injury to mill dams, bridges, canals and road gates; to provide for working of public roads, persons liable and persons exempt from road duty; to provide for railroad tracks, bridges, viaducts and tunnels; and the repeal of all laws and parts of laws in conflict with the provisions of this Act, except such laws pertaining to revenue.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 51; Nays, 23.

Yeas:

Messrs.:

Mr. Speaker	De Vane	McGowin	Staples
Arnold	Dominick	McPhaul	Steele
Austin	Douglass	Norman (Bullock)	Street
Boswell	Glover	Norman (Lowndes)	Taylor
Bridges	Goodwyn	O'Neal	Terry
Britton	Hanks	Owen (Etowah)	Todd
Calhoun	Hare	Parish (Henry)	Tolbert
Castleberry	Hendley	Poole	Tompkins
Chichester	Jones	Quarles	Toomer
Connor	Lee (Bullock)	Robertson (Cullman)	Whigham
Cook	Livingston	Robinson (Lowndes)	Williams
Davis	Matthews	Sanderson	Wright
Denson	McDermott	Shaver	

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Nays:

Messrs.:

Bateman	Henson	Miles	Reid
Braswell	Hill	Moore	Sightler
Byars	Hollis	Owens (Madison)	Sparks (Walker)
Cox	Kelly	Parish (Pike)	Spence
Doster	Long	Petrey	Waldrep
Hamner	Merrill	Posey (Walker)	

—23

BILL INDEFINITELY POSTPONED

On motion of Mr. Rayburn H. 92 was indefinitely postponed.

MESSAGE FROM THE GOVERNOR

The House received the following Message from His Excellency, the Governor.

To the House of Representatives,
Montgomery, Alabama.
Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 239 without my approval.

It is my opinion that the bill is defective from Constitutional standpoint.

I suggest the following executive amendment, which, if adopted, will meet my objection:

Amend said bill by adding just after the words, "Be it enacted by the Legislature of Alabama" the following:

That Section 4 of an Act entitled, "An Act to provide for the election of a County Superintendent of Education for Marshall County, Alabama, by the qualified electors thereof; to prescribe the qualifications of said officer; to prescribe the duties of said office, and to fix the term and compensation of said officer," approved February 17, 1931, be amended so as to read as follows:

Respectfully
Bibb Graves,
Governor.

March 24, 1936.

GOVERNOR'S MESSAGE

The House proceeded to the consideration of the Message from His Excellency, the Governor, proposing an amendment to the bill:

H. 239. To amend An Act entitled, "An Act to provide for the election of a County Superintendent of Education for Marshall County, Alabama, by the qualified electors thereof; to prescribe the qualifications of said officer; to prescribe the duties of the said officer, and to fix the term and compensation of said officer" approved Feb. 17, 1931.

And the House concurred in and adopted the amendment proposed by his Excellency, the Governor, said amendment being set out in the above and foregoing Message from the Governor, by a vote of a majority of the whole number elected to the House, said vote being: Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker

Adams

Almon

Arnold

Austin

Blann

Boswell

Braswell

Bridges

Britton

Bulger

Byars

Calhoun

Carter

Chichester

Connor

Cook	Hollis	McPhaul	Staples
Cox	Jones	O'Neal	Steele
Delony	Kelly	Petrey	Street
Denson	Kirby	Poole	Taylor
De Vane	Lee (Bullock)	Quarles	Terry
Glover	Livingston	Rayburn	Todd
Goodwyn	Long	Reeder	Tolbert
Haley	Lusk	Reid	Toomer
Hanks	Merrill	Sanderson	Waldrep
Hare	Miles	Shaver	Welch
Hendley	Moore	Sightler	Williams
Henson	McDermott	Spence	Wright
Hill	McGowin		

—66

And the bill, H. 239, as thus amended by the amendment of The Governor, was again read a third time at length and passed by vote of a majority of the whole number elected to the House, said vote being: Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Cox	Livingston	Sanderson
Adams	Delony	Long	Shaver
Almon	Denson	Lusk	Sightler
Arnold	De Vane	Merrill	Spence
Austin	Glover	Miles	Staples
Blann	Goodwyn	Moore	Steele
Boswell	Haley	McDermott	Street
Braswell	Hanks	McGowin	Taylor
Bridges	Hare	McPhaul	Terry
Britton	Hendley	O'Neal	Todd
Bulger	Henson	Petrey	Tolbert
Byars	Hill	Poole	Toomer
Calhoun	Hollis	Quarles	Waldrep
Carter	Jones	Rayburn	Welch
Chichester	Kelly	Reeder	Williams
Connor	Kirby	Reid	Wright
Cook	Lee (Bullock)		

—66

BILL ON THIRD READING

S. 102. To accept the provisions of an Act by the Congress of the United States, approved February 29, 1936, and generally known as the Soil Conservation and Domestic Allotment Act; to provide for the State of Alabama to qualify for all of the purposes and benefits as specified in said Act; to authorize the State to make such plans as are necessary for carrying out the purposes of the Act; and to designate the Extension Service of the Alabama Polytechnic Institute as the agency of the State to administer said Act.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 74; Nays, 0.

Yeas:

Messrs.:

Adams	Dominick	McDermott	Sightler
Arnold	Doster	McGowin	Sparks (Barbour)
Austin	Glover	McPhaul	Sparks (Walker)
Bateman	Goodwyn	Norman (Bullock)	Spence
Blann	Haley	Norman (Lowndes)	Steele
Boswell	Hanks	O'Neal	Street
Braswell	Hendley	Owens (Madison)	Taylor
Britton	Henson	Parish (Henry)	Terry
Bulger	Hodges	Parish (Pike)	Tidmore
Byars	Hollis	Petrey	Todd
Calhoun	Jones	Poole	Tolbert
Castleberry	Kelly	Quarles	Tompkins
Chichester	Livingston	Rayburn	Toomer
Connor	Long	Reid	Waldrep
Cook	Lusk	Robertson (Cullman)	Welch
Cox	Matthews	Robinson (Lowndes)	Whigham
Delony	Merrill	Sanderson	Williams
Denson	Miles	Shaver	Wright
De Vane	Moore		

—74

BILL INDEFINITELY POSTPONED

On motion of Mr. Parish (Henry) H. 268 was indefinitely postponed.

BILL ON THIRD READING

H. 261. To authorize the State, through the State Docks Commission, to acquire, own, lease, operate, locate, install, construct, acquire, lease, own, hold, maintain, control and operate at seaports a line of terminal railroads with necessary sidings, turn outs, spurs, branches, switches, yard tract, bridges, trestles, and causeways and in connection therewith or appurtenant thereto shall have the further right to lease, install, construct, acquire, own, maintain, control and use any and every kind or character of motive power and conveyances or appliance necessary or proper to carry passengers, goods, wares, and merchandise over, along or upon the tracks of such railroads or other conveyances; and provided the State shall have no power or authority to operate tug or pilot boats.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 74; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Boswell	Bulger	Chichester
Adams	Braswell	Byars	Connor
Austin	Bridges	Calhoun	Cook
Bateman	Britton	Carter	Cox
Blann	Buffington	Castleberry	Denson

De Vane	Kelly	Owens (Madison)	Steele
Dominick	Lee (Bullock)	Parish (Henry)	Taylor
Doster	Livingston	Parish (Pike)	Terry
Douglass	Long	Petrey	Tidmore
Glover	Matthews	Quarles	Todd
Goodwyn	Merrill	Rayburn	Tolbert
Haley	Miles	Robertson (Cullman)	Tompkins
Hamner	Moore	Robinson (Lowndes)	Toomer
Hanks	McDermott	Sanderson	Waldrep
Hare	McGowin	Sightler	Welch
Hendley	McPhaul	Sparks (Barbour)	Whigham
Hill	Norman (Bullock)	Spence	Williams
Hollis	Norman (Lowndes)	Staples	Wright
Jones	O'Neal		

—74

On motion of Mr. Taylor, the bill, H. 261, was ordered sent forthwith to the Senate without engrossment.

RECOMMITTAL OF BILL

On motion of Mr. Dominick the bill:

H. 149. To provide an additional method or mode for witnesses in any State, Circuit, County or Municipal Court, or any other legally constituted tribunal of or in the State of Alabama to be served with a subpoena or summons and authorizing such witnesses to accept service of such subpoena or summons, and also to provide for the service on witnesses by the Clerk of any Court mailing such witness by registered mail a summons or subpoena with a return receipt demanded therefor.

Was recommitted to the Standing Committee on Judiciary.

BILL ON THIRD READING

H. 155. To amend Section 4039 of the Code of Alabama of 1923. Was taken up. The question was on the adoption of the amendment reported by the Standing Committee on Judiciary, said Committee amendment being as follows:

Amend House bill 155 by adding next after the close thereof, the following words: provided that this Act shall not operate to repeal or modify any local law pertaining to the matter of fines and forfeiture funds or claims against the same.

And the amendment was adopted.

Yeas, 60; Nays, 2,

Yeas:

Messrs.:

Mr. Speaker	Braswell	Byars	Denson
Arnold	Bridges	Carter	Douglass
Austin	Britton	Chichester	Glover
Blann	Buffington	Connor	Hamner
Boswell	Bulger	Cox	Hanks

Hare	Merrill	Posey (Walker)	Steele
Harrison	Miles	Quarles	Street
Hendley	McGowin	Rayburn	Tidmore
Henson	Norman (Bullock)	Reid	Todd
Hollis	O'Neal	Robinson (Lowndes)	Tolbert
Kelly	Owen (Etowah)	Sanderson	Tompkins
Kirby	Owens (Madison)	Sanford	Toomer
Livingston	Parish (Henry)	Sightler	Welch
Long	Parish (Pike)	Sparks (Walker)	Whigham
Matthews	Petrey	Spence	Williams

—60

Nays:

Messrs. Bateman and Terry

— 2

And the bill:

H. 155. To amend Section 4039 of the Code of Alabama of 1923 As amended, was read a third time at length and passed by a two-thirds majority of the House; Yeas, 63; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Haley	McGowin	Sparks (Walker)
Austin	Hamner	Norman (Bullock)	Spence
Bateman	Hanks	Norman (Lowndes)	Steele
Boswell	Hendley	Owen (Etowah)	Street
Braswell	Hill	Owens (Madison)	Taylor
Bridges	Hollis	Parish (Henry)	Terry
Britton	Jones	Parish (Pike)	Tidmore
Buffington	Kelly	Petrey	Todd
Bulger	Kirby	Posey (Walker)	Tolbert
Byars	Livingston	Quarles	Tompkins
Carter	Long	Rayburn	Toomer
Chichester	Matthews	Reid	Welch
Connor	Merrill	Robertson (Cullman)	Whigham
Cook	Miles	Robinson (Lowndes)	Williams
Douglas	Moore	Sanderson	Wright
Glover	McDermott	Sightler	

—63

RECESS

On motion of Mr. Poole the House recessed until 3 o'clock P.M.

SIXTEENTH DAY—AFTERNOON SESSION

The hour of 3 o'clock P.M. having arrived the House reconvened.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown, and, as amended, has passed the following House bill, and returns same herewith to the House:

H. 19. To amend Schedule 158.1, of Chapter 6, Article 13, of an Act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935, and as amended September 21, 1935.

J .E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Harrison the House non-concurred in the Senate amendment to the bill, H. 19, said Senate amendment being as follows:

Substitute for H. 19:

A BILL

To be entitled An Act to amend Schedule 158.1, of Chapter 6, Article 13, of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935, and as amended September 21, 1935.

Be it enacted by the Legislature of Alabama:

Section 1. That Schedule 158.1, of Chapter 6, Article 13, of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935, and as amended September 21, 1935, be amended so as to read as follows:

Schedule 158.1 "PRIVATE CARS": The following license and registration fee shall be charged on automobiles and motor cars kept for private use; (a) For each automobile or motor car weighing 2000 pounds or less, Five Dollars (\$5.00). (b) For such automobile or motor car weighing more than 2000 pounds and not exceeding 2500 pounds the license shall be Nine Dollars (\$9.00). (c) For each automobile or motor car weighing in excess of 2500 pounds and not more than 3250 pounds, the license shall be Thirteen Dollars (\$13.00). (d) For each automobile or motor car weighing in excess of 3250 pounds, the license shall be Eighteen Dollars (\$18.00). All motor vehicles licenses under this Act shall become due on October 1st of each year, and shall become delinquent on October 25th. Provided, however, that these licenses shall be purchased on a monthly declining basis of one-twelfth (1/12) or for each month of the tax year and that the purchaser shall only buy a license for the then remaining months of the tax year. In figuring the license on a one-twelfth (1/12) reduction for each month, the amount of any fraction shall be figured to the nearest ten (10c) cents above the fraction thereof. But in no event shall the price of license tag be less than two dollars (\$2.00).

(aa) Provided the word "Weight" for purpose of computing the license tax payable hereunder, shall be deemed to mean the weight of the vehicle including weight of the bumpers, spare tires, horn, trunk and tools, and all equipment customarily or generally used, whether same be installed on the motor vehicle before shipment or delivery by the factory, or before or after delivery by the automobile dealer. (e) For each electric automobile, other than truck, Twelve Dollars (\$12.00). (f) For each automobile propelled by steam, Eighteen Dollars (\$18.00). (g) For each motorcycle, Four Dollars (\$4.00). (h) For each motorcycle with side car attached, Five Dollars (\$5.00). Where the motorcycle is acquired or brought into the State on or after January 1st, or is not used prior to January 1st, the license shall be Three Dollars (\$3.00). Where the motorcycle is acquired or brought into the State on or after April 1st or is not used prior to April 1st, the license shall be Two Dollars and a half (\$2.50). Where the motorcycle is acquired or brought into the State on or after July 1st, or is not used prior to July 1st, the license shall be Two Dollars (\$2.00). (bb) Provided, however, that the license tags for such automobile or motorcycle shall remain with such automobile or motorcycle for the remainder of the current tax year, and that before any private automobile or any motorcycle shall be used on any public highway the proper license tag therefor must be procured and securely attached to the rear end of the automobile or motorcycle, said tag to be securely attached right side up with the number thereof in an upright position and the numbers thereof plainly visible."

Section 2. That purchaser of a motor vehicle shall have three days from the date of the purchase of such motor vehicle by him within which to purchase the license called for hereunder and shall not be subject to any penalty during said three-day period.

Provided however that the above classification and schedule as to "Private Cars" shall include private passenger cars that have been converted into a motor vehicle on which freight or merchandise, or other property could be hauled provided such conversion would not permit a load exceeding 1000 pounds, and provided further such converted vehicle is not used for commercial purposes nor for hire.

And requested a Committee of Conference. The Speaker appointed as conferees on part of the House Messrs. McDermott, Hill and Harrison.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following joint resolution and sends same herewith to the House:

By Mr. Wellborn:

S. J. R. 31. (COOSA NATIONAL PARK): A Senate concurrent resolution memorializing the President and Congress of the United States, to establish a National Park on the site of COOSA that ancient Indian city visited by DeSoto's army in the year 1540—commemorating the oldest historical site in America:

WHEREAS: It is fully authenticated that DeSoto's army, consisting of 600 soldiers and 2,000 burden-bearers, encamped and was entertained at COOSA for two months in the year 1540—a longer stop, by far, than any other on his march of over 4000 miles in continental America, and:

WHEREAS: The stock of food in that Indian city was sufficient not only for sustenance of 2600 visitors for two months; but to provide burdens for 500 additional bearers (2500 in all) upon their departure proof that the city was of great size, as compared with other known Indian settlements of any period, and

WHEREAS: The archives in the National Library at Seville, in Spain, contain numerous confirmatory documents, including letters written by DeSoto's officers while encamped at COOSA, identifying beyond any doubt the historical accuracy of his reported visit, and

WHEREAS: The site on east bank of Coosa River, between Tallaseehatchee creek and Talladega creek, in Talladega County, Alabama, is clearly identified as the location of COOSA, in the opinion of practically all accepted authorities on aboriginal history, and

WHEREAS: The relative antiquity of DeSoto's visit to COOSA, in comparison with other proven occurrences or incidents in American history is emphasized by the fact that the Spanish army encamped in that great city at a time ante-dating the founding of St. Augustine by 25 years; the settlement of Jamestown by 70 years and the Landing of the Pilgrims by 80 years; and the further amazing fact that we have yet three-quarters of a century to go, before reaching a period as far on this side of the Revolutionary War as DeSoto's visit to COOSA stands on the other side of it. Furthermore, its great size suggests that COOSA was an old city even at that remote date—possibly contemporaneous with the Mayan cities. Certainly the earliest placed, and extending furthest into the mists of antiquity, COOSA is, at once, the Genesis and the Ultima Thule of American history! And

WHEREAS: There is an established American custom of commemorating events of national historical interest, by recognition in the form of parks on the site, of such magnitude as the historical or scenic value may justify and—

WHEREAS: The site of COOSA is bounded on 3 sides by a magnificent river and two large creeks, fringed with virgin growth

of timber yet undisturbed; and encompassed at distances of ten and thirty miles, respectively, with mountain ranges of such height as gives inspiring setting for the proposed park, and—

WHEREAS: The site is adjacent to two railroads and a trunk highway, and conveniently accessible for visitors from all parts of our Country, by rail or automobile. Now therefore, be it—

RESOLVED: (By joint resolution of the ALABAMA Legislature)—That the President of the United States, and the Congress, be and are hereby requested to take the necessary steps looking to acquisition of the area embracing the site of Old COOSA, and develop same into a National Park of such size and dignity as will be in keeping with the historical importance of the events associated therewith.

RESOLVED: That copies of this resolution be sent to the President and Vice President of the United States. The Speaker of the House of Representatives of the United States, and to each of the Senators and Representatives from ALABAMA.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Hare the rules were suspended and the Resolution, S. J. R. 31, set out in the above and foregoing Message from the Senate, was adopted.

BILLS ON THIRD READING

S. 4. To amend an Act entitled to amend Section 1255 of the Code of Alabama, 1923, approved July 22, 1931.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 1.

Yeas:

Messrs.:

Mr. Speaker	Carter	Hendley	Moore
Adams	Chichester	Henson	McDermott
Almon	Cook	Hill	O'Neal
Arnold	Cox	Hodges	Owen (Etowah)
Austin	Denson	Hollis	Owens (Madison)
Bateman	De Vane	Johnston	Parish (Henry)
Blann	Dominick	Kelly	Parish (Pike)
Boswell	Doster	Kirby	Petrey
Braswell	Douglass	Livingston	Posey (Walker)
Bridges	Glover	Lusk	Reeder
Buffington	Goodwyn	Matthews	Reid
Byars	Haley	Merrill	Shaver
Calhoun	Hall	Miles	Sightler

Sparks (Walker)	Terry	Tompkins	Whigham	
Spence	Tidmore	Toomer	Williams	
Steele	Todd	Waldrep	Wright	
Street	Tolbert			—66
Nay: Mr. Poole				— 1

H. 62. To amend Sections 338 and 344 of an act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

Was taken up. Speaker Walker moved to indefinitely postpone the bill, H. 62, and the motion was lost.

Yeas, 25; Nays, 60.

Yeas:

Messrs.:

Mr. Speaker	De Vane	Merrill	Petrey	
Blann	Douglasa	McPhaul	Sparks (Walker)	
Braswell	Glover	Norman (Bullock)	Terry	
Bridges	Harrison	O'Neal	Tidmore	
Byars	Henson	Owen (Etowah)	Tolbert	
Castleberry	Hodges	Parish (Pike)	Wright	
Delony				—25

Nays:

Messrs.:

Adams	Dominick	Livingston	Reeder	
Almon	Doster	Long	Robinson (Lowndes)	
Arnold	Goodwyn	Lusk	Shaver	
Austin	Haley	Matthews	Sightler	
Bateman	Hall	Miles	Sparks (Barbour)	
Boswell	Hamner	Moore	Spence	
Bulger	Hanks	McDermott	Staples	
Calhoun	Hare	McGowin	Steele	
Carter	Hill	Norman (Lowndes)	Street	
Chichester	Hollis	Owens (Madison)	Taylor	
Connor	Johnston	Parish (Henry)	Toomer	
Cook	Jones	Poole	Waldrep	
Cox	Kelly	Posey (Walker)	Welch	
Davis	Kirby	Quarles	Whigham	
Denson	Lee (Bullock)	Rayburn	Williams	—60

PAIR ANNOUNCED

Mr. Sanford announced a pair with Mr. Lee (Monroe). If Mr. Lee (Monroe) were present he would vote Nay and Mr. Sanford would vote Yea.

Mr. Harrison offered the following substitute for the bill, H. 62:

HARRISON SUBSTITUTE H 62

Amend House bill 62 so that the same will read as follows:

A BILL

To be entitled An Act to amend Sections 338 and 344 of an act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10th, 1935.

Be it enacted by the Legislature of Alabama:

Section 1. That Sections 338 and 344 of an act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10th, 1935, be amended so as to read as follows:

"Section 338. Any owner of any securities enumerated in the preceding section may, as of the first day of October following the date of acquisition of said securities annually record the fact of his ownership thereof in the office of the State Tax Commission of Alabama, by filing for record in said office a list of these securities held by such owner, stating the name and address of such owner, duly verified by affidavit, stating the fact of such holding and sworn to by such owner. Any such list shall state the names of the corporations or government which issued the respective securities listed, shall describe the nature of each security listed, shall state the number and amount of each class of securities described, and shall identify the same by the serial number appearing thereof.

Section 344. (a) No list of securities shall be received for record by the State Tax Commission unless and until the following privilege or license tax has been paid to the State Tax Commission upon such list of securities, before the same shall be offered for record, to-wit:

Upon all such securities listed with the State Tax Commission, the par value or principal amount of which does not exceed One Hundred Dollars, the sum of Twenty-five Cents, and upon all such securities, the par value or principal sum of which is more than One Hundred Dollars, the sum of Twenty-five Cents for each One Hundred Dollars of value or fraction thereof, as shown in said list. For the purpose of this act, shares of stock having no nominal or par value included in any such list of securities, shall be taken in the determination of said tax as equal to One Hundred Dollars par value per share, unless the actual value thereof be otherwise shown affirmatively on the list thereof to the satisfaction of the State Tax Commission, in which event the sum to be paid shall be Twenty-five cents for each One Hundred Dollars of the value thereof so shown, provided a list of all securities may be filed and recorded annually and the tax paid as above provided for each year, and upon the payment thereof, the owner shall not thereafter be required to list or pay taxes on said securities.

(b) Upon the filing for record in the office of the State Tax Commission of any such list of securities, the owner of the securities listed therein or his agent, shall present said list to the State Tax Commission and pay to the State Tax Commission the amount of tax required under this Section to be paid on account thereof, and upon such payment, the State Tax Commission, or any member thereof, or any of its assistants, shall certify on said list of securities the fact that the tax has been paid.

(c) The owner shall not be required to list any security or securities exchanged or issued to replace, or in lieu thereof, any securities owned and listed by the owner in the same corporation, or in a merger or consolidation of the corporation in which said securities are held for the tax year in which exchanged or replaced.

(d) The tax collected by the State Tax Commission under this act shall be paid by the State Tax Commission to the State Treasurer.

(e) There shall be no ad valorem tax assessed or collected upon any security included in any list on account of which the tax prescribed by this act shall have been paid, either State, County or Municipal for the year in which listed, provided, however, that if said securities are not listed for any tax year and the privilege or license tax paid as herein provided, the same shall be considered as escape personal property and subject to the ad valorem taxes, laws and penalties relating to personal property which has escaped taxation, and the Tax Assessor of the County wherein the owner of such securities resides, or the State Deputy Tax Assessor, shall assess the same as escape personal property is assessed, and notify the State Tax Commission that such assessment has been made and for what years the same has been made, and the State Tax Commission shall not thereafter accept the same for listing for the years for which it has been so assessed for taxation."

This Act shall go into effect upon approval by the Governor.

On motion of Mr. Rayburn the substitute offered by Mr. Harrison was laid on the table; Yeas, 53; Nays, 31.

Yeas:

Messrs.:

Adams
Almon
Arnold
Austin
Bulger
Calhoun
Chichester
Connor
Cook
Cox
Davis
Denson
Dominick
Doster

Goodwyn
Haley
Hall
Hamner
Hanks
Hare
Hill
Hollis
Johnston
Jones
Kelly
Kirby
Livingston

Long
Lusk
Matthews
Miles
Moore
McDermott
McGowin
Owens (Madison)
Poole
Quarles
Rayburn
Reeder
Reid

Robinson (Lowndes)
Shaver
Sightler
Sparks (Barbour)
Spence
Staples
Street
Taylor
Toomer
Waldrep
Welch
Whigham
Williams

Nays:

Messrs.:

Mr. Speaker
Bateman
Blann
Braswell
Bridges
Byars
Carter
Castleberry

Delony
De Vane
Douglass
Glover
Harrison
Henson
Hodges
Merrill

McPhaul
Norman (Bullock)
Norman (Lowndes)
O'Neal
Owen (Etowah)
Parish (Henry)
Parish (Pike)
Petrey

Posey (Walker)
Sparks (Walker)
Terry
Tidmore
Todd
Tolbert
Wright

—31

PAIR ANNOUNCED

Mr. Sanford announced a pair with Mr. Lee (Monroe). If Mr. Lee (Monroe) were present he would vote Yea and Mr. Sanford would vote Nay.

And the bill:

H. 62. To amend Sections 338 and 344 of an act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

Was read a third time at length and defeated.

Yeas, 56; Nays, 29.

Yeas:

Messrs.:

Adams
Almon
Arnold
Austin
Bateman
Boswell
Bulger
Calhoun
Carter
Chichester
Connor
Cook
Cox
Davis

Denson
Dominick
Doster
Goodwyn
Haley
Hall
Hamner
Hanks
Hare
Hill
Hollis
Johnston
Jones
Kirby

Livingston
Long
Lusk
Matthews
Miles
McDermott
McGowin
Owens (Madison)
Parish (Henry)
Poole
Quarles
Rayburn
Reeder
Reid

Robinson (Lowndes)
Shaver
Sightler
Sparks (Barbour)
Spence
Staples
Steele
Street
Taylor
Toomer
Waldrep
Welch
Whigham
Williams

—56

Nays:

Messrs.:

Mr. Speaker
Blann
Braswell
Bridges
Byars
Castleberry
Delony
De Vane

Douglass
Glover
Harrison
Henson
Hodges
Merrill
Moore

McPhaul
Norman (Bullock)
Norman (Lowndes)
O'Neal
Owen (Etowah)
Parish (Pike)
Petrey

Posey (Walker)
Sparks (Walker)
Terry
Tidmore
Todd
Tolbert
Wright

—29

PAIR ANNOUNCED

Mr. Sanford announced a pair with Mr. Lee (Monroe). If Mr. Lee (Monroe) were present he would vote Yea and Mr. Sanford would vote Nay.

Speaker Walker ruled that the bill failed of passage, lacking a two-thirds majority required by the Constitution on legislation not included in the Governor's call for the extra session.

Mr. Hamner appealed from the ruling of the chair and the chair was sustained.

Yeas, 53; Nays, 32.

Yeas:**Messrs.:**

Arnold	Glover	McPhaul	Sightler
Blann	Goodwyn	Norman (Bullock)	Sparks (Barbour)
Braswell	Haley	Norman (Lowndes)	Sparks (Walker)
Bridges	Harrison	O'Neal	Steele
Bulger	Hendley	Owen (Etowah)	Taylor
Byars	Henson	Owens (Madison)	Terry
Calhoun	Hill	Parish (Henry)	Tidmore
Carter	Hodges	Parish (Pike)	Todd
Castleberry	Johnston	Petrey	Tolbert
Cox	Kirby	Posey (Walker)	Toomer
Delony	Lee (Bullock)	Reid	Welch
Denson	Merrill	Robinson (Lowndes)	Whigham
De Vane	Moore	Sanford	Wright
Douglass			

—53

Nays:**Messrs.:**

Adams	Davis	Livingston	Rayburn
Almon	Dominick	Lusk	Reeder
Austin	Hall	Matthews	Shaver
Bateman	Hamner	Miles	Spence
Boswell	Hanks	McDermott	Staples
Chichester	Hare	McGowin	Street
Connor	Hollis	Poole	Waldrep
Cook	Jones	Quarles	Williams

—32

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate bill, your signature thereto is requested:

S. 102. To accept the provisions of an Act by the Congress of the United States, approved February 29, 1936, and generally known as the Soil Conservation and Domestic Allotment Act; to provide for the State of Alabama to qualify for all of the purposes and benefits as specified in said Act; to authorize the State to make such plans as are necessary for carrying out the purposes of the

Act; and to designate the Extension Service of the Alabama Polytechnic Institute as the agency of the State to administer said Act.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following joint resolution:

By the Rules Committee:

S. J. R. 34. BE IT RESOLVED BY THE SENATE, the House concurring that when the two houses adjourn today they adjourn to meet at 10 A.M. Friday, March 27th, 1936.

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Harrison the rules were suspended and S. J. R. 34 was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate accedes to the request of the House for a Committee of Conference on the disagreement of the two houses on the Senate amendment to the bill:

H. 19. To amend Schedule 158.1, of Chapter 6, Article 13, of an Act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935, and as amended September 21, 1935.

And the President of the Senate has named as a committee on part of the Senate Messrs. Carlton, Bonner and Walton.

J. E. Speight,
Secretary.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same:

Delivered to the Governor at 12:21 o'clock P.M. March 24, 1936.

H. 50, H. 64, H. 173, H. 177, H. 190.

H. 191, H. 192, H. 257, H. 258.

E. F. Taylor,
Clerk.

ADJOURNMENT

On motion of Mr. Cook the House adjourned until 10 o'clock A.M. Friday, March 27, 1936.

SEVENTEENTH DAY

House of Representatives,

Friday, March 27, 1936,

Montgomery, Alabama.

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. T. C. Casady, Pastor, Capitol Heights Methodist Protestant Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House the following members answered to their names:

Messrs.:			
Mr. Speaker	Bridges	Cook	Douglass
Adams	Britton	Cox	Glover
Arnold	Byars	Davis	Goodwyn
Austin	Calhoun	Delony	Goolsby
Bateman	Carter	Denson	Haley
Blann	Castleberry	De Vane	Hall
Boswell	Chichester	Dominick	Hamner
Braswell	Connor	Doster	Hanks

Hare	Matthews	Posey (Walker)	Staples
Harrison	Merrill	Propst	Steele
Hendley	Miles	Quarles	Street
Henson	Miller	Rayburn	Taylor
Hill	Moore	Reeder	Terry
Hodges	McDermott	Reid	Tidmore
Hollis	McGowin	Reynolds	Todd
Johnston	McPhaul	Robertson (Cullman)	Tolbert
Jones	Norman (Bullock)	Robinson (Lowndes)	Tompkins
Kelly	Norman (Lowndes)	Sanderson	Toomer
Kirby	O'Neal	Shaver	Waldrep
Langdon	Owen (Etowah)	Shipman	Wallace
Lee (Bullock)	Parish (Henry)	Sightler	Welch
Livingston	Parish (Pike)	Sparks (Barbour)	Whigham
Long	Petrey	Sparks (Walker)	Williams
Lusk	Poole	Spence	Wright

—96

A quorum was present.

REPORT OF STANDING COMMITTEE ON REVISION OF JOURNAL

Mr. Speaker:

Your Standing Committee on the Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the House for the Sixteenth Legislative Day and finds same correct.

R. L. Tolbert,
Vice-Chairman.

The report of the Standing Committee on the Revision of the Journal was adopted and the Journal of the House for the Sixteenth Legislative Day was approved.

INTRODUCTION OF BILLS

On a call of counties bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Mr. McPhaul:

H. 370. To further conserve, protect and develop oysters on the bottoms within the boundaries of the State of Alabama, to prohibit dredging except under regulation of the Alabama Oyster Commission, to regulate the size of container used in measuring a barrel of oysters, to fix a uniform tax on oysters, to provide for license for dredging oysters and method for collecting tax on oysters harvested and disposition of same, to require State tax on gasoline and motor oil used in operation of boats for taking oysters and shrimp, and freighters hauling same from where such oysters

and shrimp are caught to the processing plants and raw oyster houses to be covered into the Oyster Fund, to authorize the Alabama Oyster Commission to open and close oyster reefs and planted oyster bottoms when in their opinion necessity requires it; to require and provide for licenses for persons, firms, corporations, or associations to engage in the business of packing, canning, processing or dealing in oysters or transporting oysters; to require and provide licenses for brokers, dealers, commission men, hucksters or other persons, firms, corporations or associations who wholesale or retail oysters; to authorize the Alabama Oyster Commission to regulate the time, manner and means for shipping or transporting oysters and shrimp beyond the boundaries of the State of Alabama; to regulate the time, manner and means for planting oysters or oyster shells; to further provide for the duties of oyster inspectors and other employees of the Alabama Oyster Commission; by regulation to protect oyster bottom lessees in their rights as such lessees; to make it unlawful to resist arrest for violation of the provisions of this Act or any regulation based thereunder or to refuse any inspection of premises where oysters or other seafoods are kept or stored or to conspire or agree with any person, firm, corporation or association to evade any of the provisions of this Act or regulations based thereunder or any laws heretofore or hereafter enacted or the regulations based thereunder; to make it unlawful to remove or destroy any buoy, stake or other marker authorized to be set or placed by the Alabama Oyster Commission; to make it unlawful to take, catch or attempt to take or catch oysters or shrimp by the use of any unlicensed boat; to make it unlawful for any person, firm, corporation or association to buy or sell oysters or shrimp taken by means of an unlicensed boat or unlicensed tonger or dredge; to provide for minimum size of oyster or shrimp which may be taken, bought or sold for commercial purposes; to provide license for trucks or other motor driven vehicles used in transporting oysters for commercial purposes; to provide for keeping records of all oysters or shrimp transported to market and provide for inspection of such record; to provide that before shrimp which have been taken or caught in the waters of this State or from the waters within the territorial jurisdiction of the State may be carried or transported out of the State, same shall be brought to a port of entry designated by the Alabama Oyster Commission and then and there the tax provided by law shall be paid; to provide for a tax on shrimp which are carried out of the State; and to provide how same may be taken or transported beyond the boundaries of the State; to provide that a violation of any of the provisions of this Act or regulations based thereunder shall be a misdemeanor; and to provide for penalties for violation of same, and to provide for the repeal of all laws in conflict with the provisions of this Act; to

determine what shall constitute seafoods; to vest title to all seafoods in the public waters of the State in the State of Alabama until title thereto has been legally divested; to give authority to the Oyster Commission to promulgate regulations relating to any and all seafoods which shall have the force and effect of law; to empower the Chief Enforcement Officer and the oyster inspectors to enforce all laws and regulations relating to the seafood industry; to require the captain of licensed boats to assist in making arrests for violation of laws and regulations relating to the seafood industry; to authorize the Oyster Commission to provide the necessary patrol boats and appoint deputy inspectors for such boats; to make it unlawful to catch, take or have oysters in possession at certain times of the year; to authorize the Commission to close the oyster season earlier than the first of May and open same later than the first of September when deemed necessary for the conservation and protection of oysters; to provide for proper culling of oysters; to provide for lessees of oyster bottoms to take uncultured oysters for planting purposes; to provide for the cultivation and development of oyster beds during the closed season; to provide restrictions for taking oysters from newly planted beds; to prohibit the taking or catching of oysters by any means between sunset and sunrise; to provide for licensing of all boats before beginning operation in the taking of oysters, shrimp or other seafoods; to authorize the Commission to have printed signs, words and/or numbers and require same to be posted on licensed boats; to provide privilege taxes and require same to be paid by factories or other establishments before they pack, can or process oysters or shrimp and on raw oyster shippers; to authorize the Commission to make agreements with other States relating to the catching and/or transporting of oysters from or into the State of Alabama for planting or for commercial purposes. '

Game, Fish and Fisheries.

By Mr. Calhoun:

H. 371. To amend Schedule 7 of Section 348 of Article XIII, Chapter 1, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Ways and Means.

By Mr. Norman (Bullock):

H. 372. A Bill to be entitled An Act to propose an amendment to Section 212, of Article XI, of the Constitution of Alabama of 1901.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment, and the day hereby appointed for

such election is at the general election next succeeding the session of the legislature at which this amendment is proposed.

Section 2. The proposed amendment is as follows: Article XI, Section 212. The power to levy taxes shall not be delegated to individuals or private corporations or associations. Provided that this section shall not be so construed as to prevent the legislature from submitting to the qualified electors of this state, from time to time, the question of whether or not proposed new taxes shall be levied, or whether or not rates of taxes already levied shall be increased; nor to prohibit the legislature from providing that proposed new taxes or proposed increases in rates of taxes already levied shall go into effect only when authorized by a majority vote of the qualified electors voting at an election held for the purpose of ascertaining whether or not proposed new taxes shall be levied, or whether or not rates of taxes already levied shall be increased.

Section 3. Notice of the election hereby ordered together with the amendment hereby proposed, shall be given by a proclamation of the Governor which shall be published in one newspaper in each county of the state, once a week for at least four successive weeks next preceding the day hereby appointed for such election.

Section 4. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on said proposed amendment; and on the official ballot printed for such election, there shall be printed the following, viz:

"Shall the following be adopted as Section 212 of Article XI, of the Constitution of Alabama?

"Article XI. Section 212. The power to levy taxes shall not be delegated to individuals or private corporations or associations. Provided that this section shall not be so construed as to prevent the legislature from submitting to the qualified electors of this State, from time to time, the question of whether or not proposed new taxes shall be levied, or whether or not rates of taxes already levied shall be increased; nor to prohibit the legislature from providing that proposed new taxes or proposed increases in rates of taxes already levied shall go into effect only when authorized by a majority vote of the qualified electors at an election held for the purpose of ascertaining whether or not proposed new taxes shall be levied, or whether or not rates of taxes already levied shall be increased."

"Yes_____

"No_____

Section 5. The officers to hold such election shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State, and the election shall be held in all

respects in accordance with this Act, the law governing general elections and the constitutional provisions concerning amendments to the Constitution.

Section 6. The votes cast at such election shall be canvassed, tabulated, and returns thereof be made to the Secretary of State, and counted in the same manner as in elections for representatives in the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The results of such election shall be made known by a proclamation of the Governor.

The above and foregoing bill, H. 372, proposing an amendment to the Constitution, was read one time at length and referred to the Standing Committee on Constitution and Constitutional Amendments.

By Mr. DeVane:

H. 373. To amend Part 4 of Subdivision VIII of Section 1 of an act entitled an Act to make appropriations for the ordinary expenses of the Executive, Legislative and Judicial Departments of the State, for the interest on the public debt, and for the public schools, approved September 6, 1935.

Appropriations.

By Mr. Chichester (by request):

H. 374. To amend an Act entitled "An Act to provide for the General Revenue of the State of Alabama," approved July 10, 1935, by amending Sections 32 and 33 thereof.

Ways and Means.

By Mr. Hill:

H. 375. To authorize the Courts of County Commissioners, Boards of Revenue and like governing bodies in all counties in the State of Alabama to provide that charges for all office supplies, such as stationery, carbon paper, ink, light bulbs and other consumable articles and postage, telephone and telegraph, telephone rent, long distance calls incurred by the County Superintendent of Education and/or the County Board of Education or like governing body in all counties in the State of Alabama and the expenses of auditing the books and records of the County Treasurer of School Funds, County Superintendent of Education and/or County Board of Education or like governing body by the State of Alabama wherein they now become a charge against the general fund of said counties, respectively, shall be transferred from the general funds of said counties, respectively, so that from and after the passage and approval of this Act they will become a charge against the educational funds of said counties, respectively, when in the opinion of the Courts of County Commissioners, Boards of Reve-

nue or like governing bodies of said county or counties such transfer is deemed necessary and desirable; and to repeal all laws and parts of laws, general, special, private and local in conflict with the provisions of this Act.

Ways and Means.

By Mr. McDermott:

H. 376. To authorize cities, towns, or municipalities to sell real estate which has been sold for taxes prior to January 1st, 1936, for city, town, or municipal ad valorem taxes, and bought in at such tax sale by such city, town, or municipality, without requiring the payment of interest or penalties, and to repeal all laws and parts of laws, general, special, local, or private, in conflict with the provisions of this Act.

Ways and Means.

By Mr. McDermott:

H. 377. To amend Section One of an act entitled an Act "Allowing boxing, sparring and wrestling matches and exhibition under the regulation and supervision of the Alabama Athletic Commission herein established, and relating to the powers, duties, compensation and authority of said commission, and prescribing penalties for the violation of the provisions of this Act, or rules of said commission", approved July 1, 1927; and to amend Section Three of said act as last amended August 21, 1935.

Judiciary.

By Mr. Taylor:

H. 378. To amend Sections 2 and 4 of an act of the Legislature of 1935, approved September 14, 1935, and entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled 'An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system and for other purposes'; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or

violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act."

Labor.

By Mr. Rayburn (with notice and proof):

H. 379. To provide for the drawing, summoning and empaneling of the juries for the Circuit Courts of Marshall County, and in every way providing a special jury law for Marshall County, and repealing all laws or parts of laws in conflict with the provisions of this Act.

Local Legislation No. One.

Notice and proof H. 379:

NOTICE

Notice is hereby given that the following bill will be introduced in the Legislature of Alabama and enacted into law:

AN ACT

To provide for the drawing, summoning and empanelling of the juries for the Circuit Courts of Marshall County, and in every way providing a special jury law for Marshall County, and repealing all laws or parts of laws in conflict with the provisions of this Act.

Be it enacted by the Legislature of Alabama:

Section 1. That the Jury Commission for Marshall County, or persons hereafter authorized to draw jurors for the Circuit Courts at Albertville and at Guntersville shall provide one jury box only for both courts.

Section 2. That said jury box shall be labeled as follows: "Jury Box for Marshall County." The jury box shall be kept in the safe or vault in the office of the Judge of Probate at Guntersville, except when in use by the court, and it may be under the direction of the court delivered by the Probate Judge to the Clerk or Sheriff to be by them carried to the court house at Albertville, if and when needed, by the court at that place, but shall not remain away from the vault at the court house at Guntersville for more than twelve hours at any one time. One key to said jury box shall be kept by the President of the Jury Commission, one key by the Judge of Probate, and one key by the Judge of the Circuit Court.

Section 3. The Jury Commission or persons hereafter authorized to act and perform the duties of Jury Commission shall meet at the court house at Guntersville as soon after the passage of this Act as practical, and shall prepare in a well-bound book a list or roll of every male citizen living in Marshall County who possess the qualifications of jurors, as prescribed by the general jury law of Alabama, the list or roll to be made up from the County at large and is to be arranged in manner and form as prescribed by the general jury law of the State of Alabama. This list or roll shall be made up from the county at large and is to be kept and used for filling the box for both of the Circuit Courts of said county, and persons now or hereafter authorized to fill or replenish the jury box of Marshall County shall from time to time use this list or roll for the purpose of filling or replenishing said jury box. The list or roll and the method of preparing and arranging them, and the method, manner and form of revising them, and the method,

manner or times of drawing the jury for each division of the Circuit Court of Marshall County shall in all respects be the same for both the Guntersville and Albertville Circuit Courts, and shall be the same as that prescribed by the general jury laws of the State of Alabama, and the method or manner of procuring juries in the Circuit Court in Equity, the Circuit Courts at Albertville and at Guntersville, and the Probate Courts, and all special juries, and all juries for special or adjourned terms of courts for Marshall County shall be the same, had and done in the same manner and under the same procedure from this one jury box and one jury list, as provided by the general laws of the State of Alabama, the same as if there were only one division of holding Circuit Court in Marshall County.

Section 4. There shall be no grand juries held or empanelled in the Circuit Court at Albertville. The grand jury for the County at large shall be drawn, empanelled and shall sit at the court house at Guntersville at the terms of holding such courts there, or at such other time as the presiding Judge may order, and to be drawn from the regular jurors summoned for the week at Guntersville, and shall be empanelled and charged as provided by the general law of this State, the same as if only one division of the Circuit Court of Marshall County existed.

Section 5. All indictments preferred on causes of action arising within the jurisdiction of the Guntersville Circuit Court shall be docketed by the Clerk on the Guntersville Circuit Court docket, and shall be tried by the Guntersville Circuit Court sitting at Guntersville. All indictments preferred or returned on causes of action arising within the jurisdiction of the Albertville Circuit Court shall be docketed by the Clerk on the Albertville Circuit Court docket and shall be tried by the Albertville Circuit Court sitting at Albertville.

Section 6. All provisions as to pleas in abatement and other regulations for preparing jury lists or rolls, the filling or re-filling of jury boxes, drawing, summoning and empanelling juries, except as otherwise provided, shall be governed by the general jury law of Alabama not in conflict with the provisions of this Act, shall be applicable and held to apply to both the Guntersville and Albertville Circuit Courts.

Section 7. That all laws and parts of laws in conflict with the provisions of this Act are hereby expressly repealed.
2-26-4t.

STATE OF ALABAMA, }
MARSHALL COUNTY. }

Before me, W. B. Hooper, a Notary Public, personally appeared Y. Burke, who, being duly sworn, deposes and says that he is editor and publisher of The Guntersville Advertiser-Democrat, a weekly newspaper published in said County, and that the publication of a certain notice, of which the foregoing is a true copy, has been made and published in said paper for four consecutive weeks, to wit: On the 26th day of February, 1936; the 4th day of March, 1936; the 11th day of March, 1936, and the 18th day of March, 1936.

Y. BURKE.

Sworn to and subscribed before me this 19th day of March, 1936.

(Seal)

W. B. HOOPER,
Notary Public.

By Mr. Rayburn:

H. 380. To further regulate and promote the Cotton Industry of Alabama; to provide for a Licensed and Bonded Grader to sam-

ple and grade all cotton when stored in Bonded Warehouses in the State of Alabama.

Ways and Means.

By Mr. Castleberry:

H. 381. To repeal an act entitled, "An Act to regulate General Contracting", approved September 2, 1935.

Revision of Laws.

By Mr. Shipman (with notice and proof):

H. 382. To authorize and empower the Court of Commissioners of Pike County in the State of Alabama, for the relief of Hattaway Lumber Company of Brundidge in said County, to pay to said company the sum of (\$212.00) Two Hundred Twelve and No/100 Dollars, to compensate for the damage to a truck injured on the Highway of said county by an employee of the county engaged in highway work for said county.

Local Legislation No. One.

Notice and proof, H. 382:

NOTICE

Notice is hereby given that the following bill will be introduced and sought to be passed at the present Extra Session of the Legislature of Alabama, to-wit:

A BILL TO BE ENTITLED AN ACT

To authorize and empower the Court of Commissioners of Pike County in the State of Alabama, for the relief of Hattaway Lumber Company of Brundidge in said County, to pay to said company the sum of (\$212.00) Two Hundred Twelve & No 100 Dollars, to compensate for the damage to a truck damaged on the Highway of said county by an employee of the county engaged in highway work for said county.

Be it enacted by the Legislature of Alabama.

Section 1. That whereas on or about the 12th day of July, 1935, an employee of the County of Pike, engaged in road work for the county, and while driving a truck belonging to the county, negligently damaged a truck belonging to Hattaway Lumber Company, of Brundidge, Alabama, by a collision with the truck he was driving, the Court of County Commissioners of said County are hereby authorized and empowered to pay to Hattaway Lumber Company the sum of Two Hundred Twelve & No 100 Dollars as compensation for such damages, to be paid out of any funds belonging to the said County which is available for the upkeep and maintenance of the roads and bridges of the County of Pike, and that the said Court of County Commissioners be, and they are authorized to allow a claim of Hattaway Lumber Company for such amount and to order it paid.

Section 2. That this Act shall become effective immediately upon its passage and approval by the Governor.
(2-26-1taw4w(pc))

THE STATE OF ALABAMA }
PIKE COUNTY }

Before me, Howard Johnston, a Notary Public in and for said State and County, personally appeared M. N. Dodson, who being sworn, deposes and says on oath, that he is the editor of The Troy Messenger, a newspaper published daily except Sunday, in the City of Troy, Pike County, Alabama, and that the foregoing attached notice Notice to be entitled a Bill was published in said newspaper 4 times, the same appearing in the issues dated: Feb. 26, March 4, 11 and 18, 1936.

M. N. DODSON.

Sworn to and subscribed before me this the 20 day of March, 1936.

HOWARD JOHNSTON,

Notary Public, Pike County, Ala.

(Seal)

By Mr. Miller (by request):

H. 383. To amend an Act entitled "An Act amending Section 8777 of the Code of Alabama as approved August 17, 1923", approved July 1, 1927.

Judiciary.

By Mr. Street (with notice and proof):

H. 384. To create the office of purchasing agent for Tallapoosa County, Alabama: To provide for his appointment, qualifications and term of office: To fix his compensation, and to provide for the payment thereof: To prescribe his duties, bond and oath of office: And to provide that such officer shall be furnished with and maintain an office at the County seat of said county: And to further provide that all purchases of supplies, materials, machinery and equipment hereafter purchased by or for said county, shall be purchased only by said Purchasing Agent, upon written requisition of the officers, agencies and department of said county requiring such supplies, including materials, machinery, supplies and equipment of every kind and description, required or used in the building, construction, and maintenance of the public roads and bridges of said county, and upon instructions by and approval of the Court of County Commissioners of said county, and to repeal all laws in conflict herewith.

Local Legislation No. One.

Notice and proof H. 384:

NOTICE

Notice is hereby given of the intention to apply for the passage of the following local law for Tallapoosa County, Alabama, at the next meeting of the Legislature of this State:

A BILL TO BE ENTITLED AN ACT

To create the office of Purchasing Agent for Tallapoosa County, Alabama; to provide for his appointment, qualifications and term of office; to fix his compensation, and to provide for the payment thereof; to prescribe

his duties, bond and oath of office; and to provide that such officer shall be furnished with and maintain an office at the County seat of said County; and to further provide that all purchases of supplies, materials, machinery and equipment hereafter purchased by or for said County, shall be purchased only by said purchasing agent, upon written requisition of the officers, agencies and departments of said County requiring such supplies, including materials, machinery, supplies and equipment of every kind and description, required or used in the building, construction, and maintenance of the public roads and bridges of said County, and upon instructions by and approval of the Court of County Commissioners of said County, and to repeal all laws in conflict herewith.

Be it enacted by the Legislature of Alabama as Follows:

Section 1.—There is hereby created the office of Purchasing Agent for Tallapoosa County, Alabama.

Section 2.—Such officer shall be appointed by the Governor upon the passage and approval of this act, and shall hold office under said appointment until his successor shall be duly elected and qualified as hereinafter provided.

Section 3.—At the general election to be held in November 1938, a successor to the incumbent of such office shall be elected by the qualified electors of said County who shall hold said office for a period of four years from and after the first Monday after the second Tuesday in January, 1939.

Section 4.—Such officer shall be paid an annual salary of Eighteen Hundred Dollars per annum, payable in twelve equal monthly installments, upon warrant drawn by the Judge of Probate on the County Treasurer of said County. Before entering upon the duties of his office, such officer shall take and file with the Judge of Probate of said County the oath of office prescribed by the laws of this State, and shall further make and file with the Judge of Probate of said County a bond, with some responsible surety company, qualified to do business in Alabama, as surety thereon, in the penal sum of \$5,000.00, conditioned for the faithful discharge of all the duties of said officer as prescribed by this act. Such bond shall be payable to the Judge of Probate, and the premium upon the same shall be payable from the general revenue of said County as other claims are paid; and the surety upon said bond and the bond shall both be approved by the Judge of Probate of said County.

Section 5.—Such officer shall maintain an office in the Courthouse of said County, the same to be supplied by the Court of County Commissioners, and such officer shall devote his entire time to the duties of said office and shall keep the same open for business between the hours of 8 A. M. and 5 P. M., of every day, except Sundays and Legal Holidays. The incumbent of said office shall hold no other office of profit under the County, State or Federal Government; nor shall such officer be related either by consanguinity or affinity, in any degree, to any member of the Court of County Commissioners or to the Judge of Probate of said County.

Section 6.—Such officer shall, immediately upon taking office, proceed to familiarize himself with all manner and kinds of supplies and materials of every nature, required and used by the various offices, officers, departments, institutions and governmental agencies of the County, including materials, machinery, supplies, and equipment of every kind and description required and used in the building, construction and maintenance of the public roads and bridges of said County.

Section 7.—It shall be the duty of such purchasing agent to secure from various competitive manufacturers and dealers prices on all such equipment and supplies as may be required for the use of said County; such officer shall, not later than once every thirty days, renew the records of his office so that the same shall contain the latest prices and quotations from such competitive manufacturers and dealers upon all such equipment and supplies,

and the same shall be kept in a suitable and accessible file in the office of such officer at the Courthouse and shall be accessible to the general public at all times. It shall be the further duty of said purchasing agent to keep and preserve all correspondence relative to prices and quotations in his files hereinabove described, together with as full description and information pertaining to all such supplies as he may be able to obtain; it being the general purpose and intention of this act to impose upon said purchasing agent the duty of so familiarizing himself with competitive prices from various makers and dealers of materials and supplies of every nature and character, as to enable him to purchase, under the instructions of or approval by the Court of County Commissioners, supplies and materials for said County, in the most advantageous and economical way possible.

Section 8.—From and after the passage and approval of this act, and the appointment and qualification of the officer herein provided for all supplies, materials, equipment and machinery, of every kind and description, used by the various offices, officers, departments, institutions and governmental agencies of said County, including materials, machinery, supplies, and equipment of every kind and description required and used in the building, construction and maintenance of the public roads and bridges of said County, shall be purchased, exchanged or sold only through said purchasing agent upon written requisition therefor by the various offices, officers, departments, institutions or other governmental agencies of said County requiring the same, and upon instructions by or approval of the Court of County Commissioners of said County.

Section 9.—That all laws or parts of laws in conflict with the provisions of this act be, and the same are hereby repealed, and specifically repealing Act. No. 214 (H. 642), approved July 30th, 1935.

Section 10.—This act shall take effect immediately upon its passage and approval by the Governor.

T. H. STREET, Representative.
Mar. 13, 1936.

STATE OF ALABAMA; Tallapoosa County

On this day, before me, a Notary Public in and for said State and County came E. C. Hall, who being duly sworn, deposes and says that he is the Editor of the Alexander City Outlook, a newspaper published in said State and county, and that the attached notice appeared in his paper in four consecutive issues, to-wit: Feb. 6, 13, 20, 27, 1936 and that same is a true copy.

E. C. HALL,
Editor, Alexander City Outlook.

J. C. THORNTON,
Notary Public.

(Seal)

My Commission Expires January 10, 1927.

By Mr. Poole:

H. 385. To regulate the use of proceeds of State gasoline taxes by counties, to fix penalties for violation of this Act, and to repeal all laws in conflict herewith.

Judiciary.

By Mr. Dominick:

H. 386. To authorize and empower the governing body or authority of any City or Town in the State of Alabama to compromise and adjust claims or debts for public improvements with any Church religious bodies or society by remitting all, or any part of

the interest on any public improvement assessment in such city or town including sidewalks, street pavings, curbs and gutter and sewer assessments heretofore made against the property of any such Church religious body or society upon the payment in full of all principal indebtedness due for such improvement assessments or liens.

Judiciary.

By Mr. Harrison:

H. 387. To provide for service of notice by tax collector on resident taxpayers when personal service or service by registered mail cannot be perfected as now provided by law.

Judiciary.

By Mr. Denson:

H. 388. To amend Section 7 of an Act entitled "An Act to fix, limit or regulate the salaries and compensation of certain officers and employees of the State or any department thereof; to provide how the same shall be payable; and to provide for the repeal of all laws or parts of laws in conflict with the provisions of this Act; and to provide when the provisions of this Act shall become effective," approved April 14, 1933.

Judiciary.

By Mr. Robinson (Lowndes) (with notice and proof):

H. 389. To abolish the fine and forfeiture fund of Lowndes County, Alabama; to provide for the payment into the General Fund of said county, all of the moneys which under existing laws, or laws hereinafter enacted, are payable into said fine and forfeiture fund; to provide that witnesses summoned on behalf of the State and all other claims which are payable out of the fine and forfeiture fund of Lowndes County shall, in the future, be paid out of the General Fund of said County; to fix the priorities of said claims; to provide for the registration of the same; to regulate the payment of the same; and to validate all witness certificates and claims now outstanding against the fine and forfeiture fund.

Local Legislation No. One.

Notice and proof H. 389:

NOTICE OF PROPOSED LOCAL LAW

Notice is hereby given that there will be introduced for passage at the coming Special Session of the Legislature, a Local Bill for Lowndes County, Alabama, as follows:

AN ACT

Entitled AN ACT to abolish the Fine & Forfeiture Fund of Lowndes County, Alabama, and to transfer the balance now in said Fund to the General Fund; and, to provide for the payment of all Officers fees and

witness fees heretofore chargeable against said Fine & Forfeiture Fund, and to repeal all Local Laws and parts of Local Laws in conflict therewith.

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STATE OF ALABAMA.

COUNTY of Lowndes.

Before me, O. P. Edwards a Notary Public in and for said state and county, personally appeared J. D. Lamar, editor of The Lowndes Signal, who being duly sworn, deposes and says that the attached Local Legislation Notice was published in four consecutive issues of the abovesaid newspaper.

J. D. LAMAR.

Sworn to and subscribed before me this 13th day of March, 1936.
(Seal) O. P. EDWARDS, N. P.

BILLS ON SECOND READING

Mr. Welch, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. Welch:

H. 306. To amend Section 31 of An Act entitled "An Act to authorize any County, City or incorporated Town of the State of Alabama, subject to the limitations herein stated, to purchase or construct a waterworks system, water supply system, sewer system, sanitary disposal equipment and appliances, or gas system, and in furtherance thereof to purchase or construct any necessary part of any such system either within or without the limits of such County, City or incorporated Town, as the case may be; and to authorize any County, City or incorporated Town of the State of Alabama now or hereafter owning and operating any such system to improve, enlarge, extend or repair the same; and for any such purpose or purposes to authorize any such County, City or incorporated Town to issue revenue bonds payable solely from the revenues derived from the operation of any such system or systems; to regulate the issuance, sale, retirement, and refunding of such bonds and of other matters in connection therewith; to regulate the use of the revenues of such system or systems when such bonds are issued or outstanding; to provide for the operation of any such system or systems in case of deficiencies in such revenues; to confer upon the State Board of Health certain powers with reference to any such sewer system; and for other purposes", approved March 29, 1933, as amended, so as to permit the redemption of bonds with or without a premium, and so as to delete a portion of said section.

By Mr. Merrill:

H. 341. To authorize the payment of the per diem and mileage of the members of the Courts of County Commissioners or

Boards of Revenue or like governing bodies in all counties in the State of Alabama which now have or which may hereafter have a population of not more than 26,100 according to the last or any subsequent Federal Census out of the excise gas tax fund of the county when engaged in inspecting, accepting, building, repairing or maintaining public roads or bridges in their respective counties; and to repeal all laws and parts of laws, general, special, private and local in conflict with the provisions of this Act.

By Mr. McDermott:

H. 224. To amend Section 7918, Code of Alabama of 1923.

By Mr. Welch:

H. 361. To amend Section 7 of Act No. 102, Extra Session of the Legislature of Alabama of 1933, approved March 29, 1933 (Acts of 1933, p. 88).

By Mr. Calhoun:

H. 364. To amend Section 6550 of the Code of Alabama of 1923.

By Mr. Calhoun:

H. 363. To amend Section 6551 of the Code of Alabama of 1923.

By Mr. Taylor:

H. 289. To provide for the suspension of imposition or execution of sentences and the placing of defendant upon probation; and to prescribe and give power to the judges of the courts of this State and of the political subdivisions thereof to suspend imposition or execution sentences and to place defendant upon probation and to give said judges power of revocation and modification of probation; and to prescribe the duties of probationers.

By Mr. Chichester:

H. 87. To amend Section 7020 of the Code of Alabama.

By Mr. Lee (Monroe):

H. 314. To authorize the governing bodies of the counties in this State to fund or refund indebtedness of such counties outstanding on October 1, 1935, by the issuance of funding or refunding warrants; to provide the time within which such funding or refunding warrants shall mature and the maximum rate of interest thereon; and to provide that such interest shall be payable semi-annually and may be evidenced by coupons.

By Mr. Dominick:

H. 344. To amend Section 794 of the Code of Alabama of 1923.

By Mr. Castleberry:

H. 269. To amend Section 1999 of the Code of Alabama of 1923.

Mr. Welch, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report with substitute:

By Mr. Jones (with substitute):

H. 327. To amend Section 10 of an Act entitled "An Act to further provide for freeing Alabama highways of all toll bridges, through a corporation to be composed of the President of the State Board of Administration, the State Comptroller and the Chairman of the State Highway Commission, whose incorporation is authorized and to prescribe the power and authority of such corporation and provide it with funds necessary to enable it to accomplish the purpose of its creation," approved September 7, 1935.

By Mr. Almon (with substitute):

H. 174. Declaring a State and National Emergency To Exist Affecting the Service Trades Within the State of Alabama, Declaring the Necessity for Ordinances Providing for Fair Competition Among Service Trade; Declaring This Act An Emergency Measure; Authorizing the Governing Bodies of All Counties of This State Whose Population Is Not Less Than 10,000 Nor More Than 30,000 According To the Last Or Any Subsequent Federal Census to Enact Or Repeal Such Ordinances Providing for Fair Competition Among Those Trades Wherein Services Are Rendered to the Public Without the Sale of Merchandise As Such Except As a Mere Incident to Such Service; Providing for the Application to the Governing Bodies of Such Cities for the Establishment of Ordinances Providing for Fair Competition, and Providing a Penalty for Violation of Provision of Ordinances So Adopted.

By Mr. Reeder (with substitute):

H. 329. To amend Section 4 of an Act entitled "An Act to authorize the creation and incorporation of a Commission, providing for its powers and duties authorizing it to lease or purchase construct and reconstruct Highway Bridges, approaches and appurtenances thereto, across any river in the State of Alabama or across any body of water separating the mainland of the State of Alabama from any island forming a part of the State of Alabama, to maintain and operate said bridges, approaches and appurtenances thereto, and charge tolls thereon, and to issue bonds; providing for the payment of such bonds and providing for the rights and remedies of bondholders," approved February 7, 1935, as amended by an Act entitled "An Act to amend Section 2 of an Act entitled

'An Act to authorize the creation and incorporation of a Commission, providing for its powers and duties, authorizing it to lease or purchase, construct and reconstruct Highway Bridges, approaches and appurtenances thereto, across any river in the State of Alabama or across any body of water separating the mainland of the State of Alabama from any island forming a part of the State of Alabama, to maintain and operate said bridges, approaches and appurtenances thereto, and charge tolls thereon, and to issue bonds; providing for the payment of such bonds and providing for the rights and remedies of bondholders' approved February 7, 1935," approved July 8, 1935.

By Mr. Reeder (with substitute):

H. 330. To amend Section 1 of an Act entitled "An Act to declare all toll bridges and toll ferries connected with or forming a part of any State or County public highway in the State of Alabama to be public utilities; to impose upon such toll bridges and toll ferries all the public obligations and to give them all the rights and privileges applying to other public utilities under the provisions of the Alabama Public Utility Act of 1920; and to make such toll bridges and toll ferries subject to regulation by the Public Service Commission in like manner as other public utilities are subject to regulation by said Commission under said Act," approved August 26, 1935.

By Mr. Reeder (with substitute):

H. 331. To amend Section 7 of an Act entitled "An Act to provide for the leasing, buying, condemning, otherwise acquiring, and/or freeing of any and all toll bridges within the State by the State Highway Department, with the approval of the Governor, and to provide the method and manner in which said leasing, purchasing, condemning, otherwise acquiring, and/or freeing of any and all of said bridges shall be accomplished; and to authorize and empower the State Highway Department to make, enter into and execute, with the approval of the Governor, any and all contracts or agreements necessary for the accomplishment of the purpose of this Act and to set aside and pledge from its revenues a sum not in excess of \$300,000.00, annually, therefor, for a period not exceeding thirty years," approved July 10, 1935.

By Mr. Jones (with substitute):

H. 316. To amend Sub-section 3 of Section 7407 of the Civil Code of 1923.

Mr. Glover, Chairman of the Standing Committee on Local Legislation No. One, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. Boswell (with notice and proof):

H. 369. To amend Section Two of an Act of the Local Legislature of 1931 to provide for the election of a County Superintendent of Education for Geneva County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers, and duties, and to provide for the election of his successor in office.

By Mr. Hill (with notice and proof):

H. 352. To authorize the payment of the per diem and mileage of the members of the Court of County Commissioners of Marion County, Alabama, from the gasoline funds received by said County from the State.

By Mr. Goodwyn:

H. 353. To create in all cities in the State of Alabama, having a population of not less than fifty thousand and not more than sixty-seven thousand five hundred, according to the last or any subsequent Federal census, special funds to be known as "Police-men's and City Employees' Pension and Relief Funds;" to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the Police and all other City Departments except the Fire Department in said cities; to provide for the creation of such funds and for appropriations to make up deficit therein, and how such funds shall be raised or acquired; to provide who shall hear and decide applications for pensions and relief and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the Police and other City Departments except the Fire Department in said cities during their disability, and for the retirement of such members on pension, either by reason of termination of office or disability; to provide for the pensioning of members of such Police and other City Departments except Fire Department after service therein; to provide for the appropriation for funeral expenses upon the death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide that members receiving benefits shall be bona fide residents of the County in which the pension is paid; to provide for gifts, donations, legacies, or otherwise, to be made to such funds, and for the appointment of trustees and a Board of Pensions for all purposes in connection herewith; to provide penalties for violations of the provisions of this Act; to provide when this Act shall take effect; and to provide that any section or provision of this Act being held unconstitutional shall not affect the validity of any other section or provision.

By Mr. Tucker (with notice and proof):

S. 127. To regulate the office of the sheriff of Tuscaloosa County, Alabama; to exempt the sheriff of said County from court costs; to fix the compensation or salary to be paid the sheriff of Tuscaloosa County, Alabama, and to regulate the payment of the same; to fix the number and compensation of the sheriff's deputies, guards, jailers, and other employees of the sheriff; to require the deputy sheriffs and special deputy sheriffs of said sheriff to execute official bonds conditioned, payable and approved as the bond of the sheriff; to exempt the sheriff of said County from liability for the acts of the deputies, except in certain cases; to provide for the appointment and compensation of special deputies; to provide for the payment of the premium on the sheriff's and all deputies' bonds out of the County Treasury; to provide that all fees, charges and commissions taxable and collected as sheriff's fees, charges or commissions be paid into the County Treasury, including fees for feeding prisoners, to be paid into the general fund of said County; to provide for the payment of the expenses of the office of said sheriff, including the costs of supplying and maintaining automobiles used by said sheriff in his official business, and authorizing the Board of Revenue to appropriate the necessary money for such expenses, and to regulate the expenditure of same; authorizing the sheriff of said County to employ an attorney to advise and represent him, whose compensation is to be fixed by the Board of Revenue and paid out of the County Treasury; abolishing in so far as it relates to Tuscaloosa County, Alabama, sheriff's fees provided for in Section 6717 of the Code of Alabama, 1923, and providing that the sheriff of said County shall furnish bailiffs required in Section 6716 of the Code of Alabama, 1923; to provide that said County shall not be liable for the acts of omissions of said sheriff or any of his deputies, guards, jailers, or other employees; to repeal all laws and parts of laws which, as applied to Tuscaloosa County, Alabama, are in conflict with the provisions of said Act; and providing when and how said Act shall become effective.

Mr. Glover, Chairman of the Standing Committee on Local Legislation No. One, reported that said committee, in session, had acted on the following bills and ordered same returned to the House without recommendation:

By Mr. Taylor (without recommendation):

H. 365. To provide that in all counties in the State of Alabama, now or hereafter having more than one hundred and ten thousand population, and less than three hundred thousand population according to the last, or any Federal census, that the Board of Revenue and Road Commissioners of such counties, or whatever may be called, furnish all necessary expenses to the office of Tax Assessor and Tax Collector, which shall include, to be certi-

fied by the Tax Collector or Tax Assessor of such counties, or requisition by him. And to provide that the same be paid out of the County Treasury of such county by a warrant to be drawn by the Board of Revenue and Road Commission of such county.

By Mr. Taylor (without recommendation):

H. 358. To provide that in all cities now or hereafter having a population of not less than 68,000 or more than 100,000 according to the last or any subsequent Federal census, that any license excise tax, sales tax, permit tax, or other revenue collected hereafter from the sale, disposition, possession, or manufacture of alcoholic beverages, shall be applied by the governing body of such city by whatever name called, to an increase in pay to policemen and firemen employed by said city in the same proportion of their present wage scale.

Mr. Byars, Chairman of the Standing Committee on Privileges and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with substitute:

By Mr. Castleberry (with substitute):

H. 115. To amend Section 486 of the Code of Alabama.

Mr. Byars, Charman of the Standing Committee on Privileges and Elections, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. Russell:

S. 110. To further provide for and regulate the selection of candidates for public office by political parties.

By Mr. Russell:

S. 111. To further provide for and regulate the election of delegates to political party conventions.

Mr. Robertson (Cullman) Chairman of the Standing Committee on Municipal Organizations, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Riddle:

S. 66. To authorize cities, towns and counties of Alabama, of 6,000 population and over, to acquire sites for, and to acquire, establish and maintain Public Museums and Art Galleries and to Authorize the Administration thereof by instrumentalities selected by the governing bodies of such cities, towns and counties.

Mr. Wallace, Chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Propst:

H. 240. To amend Section 4 of an Act entitled an Act to provide for the public safety to regulate the operation of motor vehicles on the public highways; to provide for the registration and licensing of drivers or operators of motor vehicles and to fix the fees therefor. To authorize the State Highway Commission, with the approval of the Governor, to establish and promulgate reasonable rules and regulations concerning the operation of motor vehicles; to provide punishment and penalties for the violation of the provisions of this Act and of the rules and regulations authorized hereby; to provide for the suspension and revocation of drivers' licenses issued; to authorize the appointment or employment of the necessary officers and agents, and the purchase of the necessary equipment to make the provisions hereof effective; and to provide for the compensation of the officers and agents so employed; known as House bill No. 545 (Approved September 2, 1935).

Mr. Harrison, Chairman of the Standing Committee on Ways and Means, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Miller:

H. 305. To amend Schedule 23 of Section 348, Chapter 1 of Article XIII of an Act "To provide for the general revenue of the State of Alabama", approved July 10, 1935.

The above and foregoing bills were severally read a second time and placed on the Calendar.

BILL REPORTED ADVERSELY

Mr. Robertson (Cullman) Chairman of the Standing Committee on Municipal Organizations, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with an adverse report:

By Mr. Owen (Etowah):

H. 283. To permit the Governing body of any Municipality in this State having a population of not less than 24,000 nor over 50,000, according to the last or any succeeding Federal census, to promote the efficiency of the paid Fire Department of such municipality, to provide a two platoon system in aforesaid municipality for said fire department, and to define the conditions under which the same shall be operated; to provide power and authority for the City Commissioners or other Governing body of such Municipality in the case of serious conflagration, riot or other emergency, emergency meaning: "Disastrous fire or conflagration,"; to provide

for the granting of vacations with pay to said members of said Fire Department; to provide for full power in the said City Commission or other Governing body of such Municipality to make rules and regulations not in conflict with this act; and to provide for the repeal of any law, or laws, or parts thereof, or of any City Ordinance or Fire Department rules or regulations or parts thereof which are contrary to the provisions of this Act.

And the bill was placed on the Adverse Calendar.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate bill, your signature thereto is requested:

S. 4. To amend an Act entitled an Act to amend Section 1255 of the Code of Alabama, 1923, approved July 22, 1931.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

H. 239. To amend An Act entitled, "An Act to provide for the election of a County Superintendent of Education for Marshall County, Alabama, by the qualified electors thereof; to prescribe the qualifications of said officer; to prescribe the duties of the said officer, and to fix the term and compensation of said officer" approved Feb. 17, 1931.

By a vote of a majority of the whole number elected to the Senate; said vote being: Yeas, 26; Nays, 0.

And said bill, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the Senate; said vote being: Yeas, 26; Nays, 0.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bill, and returns same herewith to the House:

H. 27. To amend Section VIII of an Act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative and Judicial Departments of the State, for the interest on the public debt, and for the public schools." Approved Sept. 6, 1935.

J. E. Speight,
Secretary.

REPORT OF STANDING COMMITTEE ON ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Enrolled Bills reports that it has examined the following House bills, and finds same correctly enrolled, to-wit:

H. 27. To amend Section VIII of an Act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative and Judicial Departments of the State, for the interest on the public debt, and for the public schools." Approved Sept. 6, 1935.

Also:

H. 239. To Amend An Act Entitled, "An Act To Provide For The Election Of A County Superintendent Of Education For Marshall County, Alabama, By The Qualified Electors Thereof; To Prescribe The Qualifications Of Said Officer; To Prescribe The Duties Of The Said Officer, And To Fix The Term And Compensation Of Said Officer" Approved Feb. 17, 1931.

Dan Gullett Cook,
Chairman.

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

REPORT OF STANDING COMMITTEE ON ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed Bills begs leave to report that said committee, in session, has compared the following engrossed bills with the original bills and finds same correctly engrossed, to-wit:

H. 155. To amend Section 4039 of the Code of Alabama of 1923.

Also:

H. 125. To amend Section 51, of an Act approved August 23, 1927, entitled: An Act To provide a general system of legislation pertaining to public roads, highways and bridges, including therein the establishment of a State Highway Department and State Highway Commission; to create the office of Alabama Highway Director in Alabama; to define and regulate the powers, duties and authority of the State Highway Commission and of local authorities, boards of revenue, courts of county Commissioners, municipalities or like governing bodies; to provide authority and empower the Board of Administration to make agreements and contracts with the State Highway Commission for convict labor and let contracts for signs, advertising, etc., on highways; to define and provide rules of the road, including traffic regulations, penal violations, duties of owners and drivers and the regulation as to size, weight and equipment of motor vehicles moving over, along, or upon such roads; to provide for the establishment, discontinuance, working and maintenance of public roads, bridges and ferries; to provide for the establishment and maintenance of private roads; to provide for State Bonds for construction and maintenance of roads, issue and sale of; Good Roads Day established; Offenses concerning toll bridges, turn-pikes and causeways; protecting bridges from floating logs and to provide against injury to mill dams, bridges, canals and road gates; to provide for working of public roads, persons liable and persons exempt from road duty; to provide for railroad tracks, bridges, viaducts and tunnels; and the repeal of all laws and parts of laws in conflict with the provisions of this Act, except such laws pertaining to revenue.

M. C. Kelly,
Chairman.

The report of the Standing Committee on Engrossed Bills was concurred in and adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following bills and sends same herewith to the House without engrossment:

By Mr. Woodall:

S. 108. To make an appropriation for the support, maintenance and improvement of The Southern Industrial Institute.

Also:

By Mr. Swift:

S. 84. To authorize the employment in their discretion by municipalities in Alabama having a population of not less than twenty-five hundred and not more than fifteen thousand, according to the last or any succeeding Federal census, of a City Manager; and to provide for the authority, duties, liabilities and penalties, the term of office and the compensation of City Managers so employed.

Also:

By Mr. Mooneyham:

S. 51. To prohibit persons, firms or corporations operating steam railroads in intrastate transportation of persons and property within the State of Alabama unifying or consolidating freight or passenger depots, freight or passenger terminals, freight or passenger yard tracks, freight or passenger shops or any freight or passenger terminal facilities, within the State of Alabama, used in the intrastate transportation of persons or property, where such unification or consolidation will constitute an unreasonable burden upon intrastate commerce within the State of Alabama or is not consistent with the public interest.

Also:

By Mr. Stephens:

S. 126. To amend Section 18 of an Act approved September 14, 1935, and entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system and for other purposes"; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to pro-

hibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act."

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

Appropriations—S. 108.

Municipal Organizations—S. 84.

Revision of Laws—S. 51.

Labor—S. 126.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following bill:

By Mr. Stephens:

S. 89. To amend Sections 5 and 12 of an Act approved September 14, 1935, entitled "An Act to authorize, provide for, and regulate non-profit corporations for the establishment, maintenance and furnishing of a plan of hospitalization and hospital service."

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bill, S. 89, the title to which is set out in the above and foregoing Message from the Senate, was read one time and referred to the Standing Committee on Public Health.

MESSAGE FROM THE GOVERNOR

The House received the following Message from His Excellency, the Governor.

To the House of Representatives,
Montgomery, Alabama.
Gentlemen:

I am returning herewith to you, the body in which it originated, House Bill No. 51 without my approval.

This is a local bill concerning Pickens County, and while there is no objection to the bill this veto message is transmitted at the request of the author of the bill.

Respectfully,

BIBB GRAVES,
Governor.

March 24. 1936.

GOVERNOR'S MESSAGE

On motion of Mr. Langdon the further consideration of the Message from His Excellency, the Governor, vetoing H. 51 was postponed until the next Legislative Day.

RESOLUTIONS

Mr. DeVane offered the following Resolution:

By Mr. DeVane:

H. R. 32. WHEREAS, Mr. Wallace H. Lindsey, a native of Butler, Choctaw County, Alabama, was killed in a tragic automobile accident on Wednesday, March 25, 1936;

AND WHEREAS Mr. Lindsey, Chief Clerk of Kilby Prison, was an efficient and esteemed employee of the State of Alabama, and of this administration and was honored by membership on the Alabama State Democratic Executive Committee from the First Congressional District;

AND WHEREAS Mr. Lindsey although unassuming in nature was a young man of exceptional character and ability, staunch in his ideals, devoted to his family and loyal to his State, his party and his friends;

AND WHEREAS, through the death of Mr. Lindsey, the State of Alabama has lost a valuable and useful employee, and the Democratic party has lost a loyal and untiring worker;

AND WHEREAS, it is the sense of the House of Representatives that recognition be given by this body to his untimely death;

NOW THEREFORE, BE IT RESOLVED by the House of Representatives that this body feels a deep personal loss in the tragic and untimely passing of Mr. Lindsey and there is hereby extended to Mrs. Lindsey and the other members of the deceased's family the sympathy of this body;

BE IT FURTHER RESOLVED that copies of this resolution be sent by the Clerk of the House to Mrs. Wallace H. Lindsey, the wife of the deceased, and to Mr. and Mrs. Ellis Lindsey, his parents.

The rules were suspended and the resolution, H. R. 33, was adopted by rising vote of the House.

Mr. Long offered the following resolution:

By Mr. Long:

H. R. 33. Be it resolved by the House of Representatives that whereas the Honorable W. C. Harrison in a speech before that august body made a charge against certain members of its body that said members had adopted the attitude of "criticism" with no suggestions as to a possible remedy for our present State's financial distress, and that said charge of "cynical criticism" is hereby respectfully resented in lieu of the fact that the writer on the floor of the House in the Presence of the House just prior to the passage of the present appropriations Bill passed in 1935 propounded the following question of the Honorable W. C. Harrison: Question: "Why are we appropriating more money than we know we are going to receive?" and said question was respectfully answered by the said Honorable W. C. Harrison as follows: "In order to take care of any possible excess funds that might be collected."

Now therefore be it resolved by the House of Representatives that the Honorable W. C. Harrison be hereby respectfully requested to rewrite or redraft an appropriations bill that will conform to the suggestions of the recess Committee, in order that there may be economy and not new taxation in our State.

And the resolution was referred to the Standing Committee on Rules.

MOTION TO RECOMMIT BILLS

Mr. Weldrep moved to recommit S. 110 and S. 111 to the Standing Committee on Privileges and Elections and the motion was lost.

Yeas, 28; Nays, 54.

Yeas:

Messrs.:

Adams
Blann
Bridges
Byars
Calhoun
Castleberry
Delony

Goodwyn
Haley
Hendley
Hodges
Livingston
Long
Lusk

Miles
Miller
McPhaul
Posey (Walker)
Propst
Reid
Robertson (Cullman)

Shaver
Sparks (Walker)
Spence
Terry
Tidmore
Waldrep
Whigham

Nays:

Messrs.:

Mr. Speaker	Doster	Merrill	Robinson (Lowndes)
Austin	Douglass	Moore	Sanderson
Bateman	Glover	McDermott	Sightler
Boswell	Hall	Norman (Bullock)	Sparks (Barbour)
Braswell	Hamner	Norman (Lowndes)	Steele
Britton	Hanks	O'Neal	Street
Bulger	Hare	Owen (Etowah)	Taylor
Chichester	Henson	Parish (Henry)	Todd
Connor	Hill	Parish (Pike)	Tolbert
Cook	Johnston	Poole	Tompkins
Cox	Jones	Quarles	Welch
Denson	Kelly	Rayburn	Williams
De Vane	Lee (Bullock)	Reynolds	Wright
Dominick	Matthews		

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BILLS ON THIRD READING

H. 342. To prohibit and make it unlawful for the Town Council or other governing body of the Town of Castleberry, Alabama to make any contract with or grant any franchise to any public utility company respecting the furnishing of electricity to the citizens of said town or to renew or extend any such existing contract without first being authorized by the majority of the votes to be cast in an election to be held in which the proposition shall be voted upon.

Was taken up. Mr. Castleberry offered the following substitute for the bill, H. 342:

Castleberry substitute for H. 342:

A BILL

To be entitled An Act to prohibit and make it unlawful for the town council or other governing body of the Town of Castleberry, Alabama to make any contract with or grant any franchise to any public utility company, individual, firm or corporation respecting the furnishing of electricity to the citizens of said town or to the town itself or to renew or extend any such existing contract without first being authorized to do so by the majority of the votes to be cast in an election to be held in which the proposition shall be voted upon.

Be it enacted by the Legislature of Alabama:

Section 1. From and after the passage and approved of this Act, the Town Council or other governing body of the Town of Castleberry, Alabama shall not have the power to make any contract with or grant any franchise to any public utility company,

individual, firm or corporation for the furnishing of electricity to the citizens of said town or to the town itself nor shall it have the power to renew or extend any existing contract for such purposes without first being authorized to do so by the majority of the votes to be cast in an election to be held in said town in the same manner as other municipal elections are held, and in which election the proposition of entering into such contract or granting such franchise shall be submitted to the qualified voters of said town and voted upon.

Section 2. Such an election shall not be held until notice thereof has been given by publication for not less than four successive weeks in a newspaper of general circulation published in Conecuh County for not less than one year prior to said election. If no newspaper is published in said County then such notice of said election may be given by posting notices at four different points in the County, one of which shall be at the Court House door. The first publication shall be at least ten days prior to the day of said election and such published notice shall set out in substance the material terms of the proposed contract or franchise and expressly state the name of the contracting company, individual, firm or corporation, the time during which said contract shall exist, the rates to be charged the citizens under said contract or franchise for each class of service to be rendered or product furnished under said contract or franchise.

Section 3. Each contract made by the Town Council or other governing body of the Town of Castleberry, Alabama, or such franchise issued by it without complying with the terms of this Act shall be wholly void.

And the substitute was adopted.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker

Adams

Arnold

Austin

Blann

Boswell

Bridges

Britton

Byars

Calhoun

Castleberry

Chichester

Connor

Cook

Cox

Davis

Delony

Denson

Douglass

Glover

Goolsby

Haley

Hall

Hamner

Hanks

Hare

Hill

Hodges

Hollis

Jones

Kelly

Langdon

Livingston

Long

Lusk

Matthews

Merrill

Miller

Moore

McPhaul

O'Neal

Petrey

Poole

Propst

Quarles

Rayburn

Reeder

Reid

Shaver

Shipman

Sightler

Spence

Staples

Steele

Street

Taylor

Terry

Tidmore

Todd

Tolbert

Toomer

Waldrep

Wallace

Welch

Williams

Wright

And the bill:

H. 342. To prohibit and make it unlawful for the Town Council or other governing body of the Town of Castleberry, Alabama to make any contract with or grant any franchise to any public utility company respecting the furnishing of electricity to the citizens of said town or to renew or extend any such contract without first being authorized by the majority of the votes to be cast in an election to be held in which the proposition shall be voted upon.

As amended by the substitute, was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Denson	Lusk	Sightler
Adams	Douglass	Matthews	Spence
Arnold	Glover	Merrill	Staples
Austin	Goolsby	Miller	Steele
Blann	Haley	Moore	Street
Boswell	Hall	McPhaul	Taylor
Bridges	Hamner	O'Neal	Terry
Britton	Hanks	Petrey	Tidmore
Byars	Hare	Poole	Todd
Calhoun	Hill	Propst	Tolbert
Castleberry	Hodges	Quarles	Toomer
Chichester	Hollis	Rayburn	Waldrep
Connor	Jones	Reeder	Wallace
Cook	Kelly	Reid	Welch
Cox	Langdon	Shaver	Williams
Davis	Livingston	Shipman	Wright
Delony	Long		

—66

On motion of Mr. Castleberry, the bill, H. 342, was ordered sent forthwith to the Senate without engrossment.

H. 343. To authorize and empower the Commissioners Court of Greene County, Alabama to appropriate a sum not to exceed Two Hundred Dollars per annum out of the General Fund of Greene County for the purpose of paying for clerical work necessary in making the reports of the County Depository as required by law.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Boswell	Castleberry	Davis
Adams	Bridges	Chichester	Delony
Arnold	Britton	Connor	Denson
Austin	Byars	Cook	Douglass
Blann	Calhoun	Cox	Glover

Goolsby	Livingston	Quarles	Taylor
Haley	Long	Rayburn	Terry
Hall	Lusk	Reeder	Tidmore
Hamner	Matthews	Reid	Todd
Hanks	Merrill	Shaver	Tolbert
Hare	Miller	Shipman	Toomer
Hill	Moore	Sightler	Waldrep
Hodges	McPhaul	Spence	Wallace
Hollis	O'Neal	Staples	Welch
Jones	Petrey	Steele	Williams
Kelly	Poole	Street	Wright
Langdon	Propst		

—66

On motion of Mr. Hall, the bill, H. 343, was ordered sent forthwith to the Senate without engrossment.

H. 317. To better provide for the prosecution and suppression of crime in all counties of this State which now have according to the last federal census a population of 300,000 or more or which may hereafter have such population by any such federal census hereafter taken, requiring all solicitors, assistant solicitors, deputy solicitors and assistant deputy solicitors or any persons who prosecute for the State to devote their entire time to the study and prosecution of crime and to prohibit all such persons from practicing law other than in the discharge of their official duty.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Denson	Lusk	Sightler
Adams	Douglass	Matthews	Spence
Arnold	Glover	Merrill	Staples
Austin	Goolsby	Miller	Steele
Blann	Haley	Moore	Street
Boswell	Hall	McPhaul	Taylor
Bridges	Hamner	O'Neal	Terry
Britton	Hanks	Petrey	Tidmore
Byars	Hare	Poole	Todd
Calhoun	Hill	Propst	Tolbert
Castleberry	Hodges	Quarles	Toomer
Chichester	Hollis	Rayburn	Waldrep
Connor	Jones	Reeder	Wallace
Cook	Kelly	Reid	Welch
Cox	Langdon	Shaver	Williams
Davis	Livingston	Shipman	Wright
Delony	Long		

—66

On motion of Mr. Welch the bill, H. 317, was ordered sent forthwith to the Senate without engrossment.

H. 340. To provide for the relief of L. W. Gentry, former Treasurer of County School Funds of Lawrence County, Alabama;

and to authorize and direct the County Governing Body of Lawrence County to reimburse the said Gentry for premium on the official bond of the Treasurer of School Funds of said County for the year 1932, paid by the said Gentry.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Denson	Lusk	Sightler
Adams	Douglass	Matthews	Spence
Arnold	Glover	Merrill	Staples
Austin	Goolsby	Miller	Steele
Blann	Haley	Moore	Street
Boswell	Hall	McPhaul	Taylor
Bridges	Hamner	O'Neal	Terry
Britton	Hanks	Petrey	Tidmore
Byars	Hare	Poole	Todd
Calhoun	Hill	Propst	Tolbert
Castleberry	Hodges	Quarles	Toomer
Chichester	Hollis	Rayburn	Waldrep
Connor	Jones	Reeder	Wallace
Cook	Kelly	Reid	Welch
Cox	Langdon	Shaver	Williams
Davis	Livingston	Shinn	Wright
Delony	Long		

—66

On motion of Mr. Byars, the bill, H. 340, was ordered sent forthwith to the Senate without engrossment.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following joint resolution and sends same herewith to the House:

By Mr. Russell:

S. J. R. 37. BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING

WHEREAS; The gasoline tax, as a type of tax, was originated by the State of Oregon in 1919 for the sole and express purpose of constructing and maintaining roads and bridges, the crying need for which was recognized by everyone and,

WHEREAS; The gasoline tax is generally recognized as a special road tax levied against a special group of highway users for the special and sole purpose of constructing and maintaining roads and bridges, and,

WHEREAS, The diversion of the gasoline tax proceeds to any other purpose constitutes double and class taxation against a

small group of taxpayers who also pay all other general taxes, and.

WHEREAS; All of the proceeds of the State gasoline tax are needed at this time to construct and repair Alabama's highways and to match Federal Aid Road Funds which are available in Washington, and,

WHEREAS; The Hayden-Cartright road Act provides a loss of one-third ($\frac{1}{3}$) of Alabama's Federal Aid Funds if gasoline tax funds are diverted to purposes other than roads, and,

WHEREAS; A new Federal Act now in Congress if and when passed will permit Alabama to receive her share of Federal Aid Road funds without matching them, provided Alabama permits no diversion of her gasoline tax funds (House Resolution 11687 by Cartright and Senate Bill 4213 by Hayden) and,

WHEREAS; Many bills, both general and local, have been introduced in the Alabama legislature authorizing the diversion of portions of the State gasoline tax proceeds now allocated to the various counties, specifically for roads, and,

WHEREAS; Such local bills are not, in the true sense of the meaning, local bills but affect the entire State of Alabama, now, therefore, be it

RESOLVED; That all proposed act, both local and general, which would directly or indirectly permit the diversion of state gasoline tax funds to any purpose other than for the direct construction and maintenance of roads and bridges be condemned, and that all such bills written with LOCAL application be considered as GENERAL bills and handled by the Alabama Legislature and the respective committees as such, and that the Governor, be requested to veto any such bills coming to his desk for his approval.

J. E. Speight,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 37, was referred to the Standing Committee on Rules.

BILL ON THIRD READING

S. 63. To regulate the sale, transfer and possession of certain types of firearms; to provide for the licensing of dealers and owners of such firearms; to fix rules of evidence in the Courts of this State in prosecutions for violations of this Act; to prescribe pen-

alties for the violations of any provision herein and to make uniform the law with reference thereto.

Was taken up. Mr. Hare offered the following amendment to the bill, H. 63:

To Amend Senate Bill No. 63 section No. 15 and 21 by striking therefrom the numerals "1935" as they appear therein and substituting therefor the numerals "1936".

And the amendment was adopted.

Yeas, 69; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Glover	Livingston	Robertson (Cullman)
Adams	Goolsby	Long	Shaver
Austin	Haley	Lusk	Shipman
Bateman	Hall	Matthews	Sightler
Boswell	Hamner	Merrill	Sparks (Walker)
Braswell	Hanks	Miles	Spence
Bridges	Hare	Moore	Steele
Britton	Hendley	O'Neal	Terry
Bulger	Henson	Parish (Henry)	Tidmore
Byars	Hill	Petrey	Todd
Calhoun	Hodges	Posey (Walker)	Tolbert
Chichester	Hollis	Propst	Tompkins
Connor	Johnston	Quarles	Waldrep
Cook	Jones	Rayburn	Welch
Cox	Kelly	Reeder	Whigham
Davis	Langdon	Reid	Williams
Doster	Lee (Bullock)	Reynolds	Wright
Douglass			

—69

And the bill:

S. 63. To regulate the sale, transfer and possession of certain types of firearms; to provide for the licensing of dealers and owners of such firearms; to fix rules of evidence in the Courts of this State in prosecutions for violations of this Act; to prescribe penalties for the violations of any provision herein and to make uniform the law with reference thereto.

As amended, was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 69; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Byars	Glover	Hill
Adams	Calhoun	Goolsby	Hodges
Austin	Chichester	Haley	Hollis
Bateman	Connor	Hall	Johnston
Boswell	Cook	Hamner	Jones
Braswell	Cox	Hanks	Kelly
Bridges	Davis	Hare	Langdon
Britton	Doster	Hendley	Lee (Bullock)
Bulger	Douglass	Henson	Livingston

Long	Posey (Walker)	Shaver	Todd
Lusk	Propst	Shipman	Tolbert
Matthews	Quarles	Sightler	Tompkins
Merrill	Rayburn	Sparks (Walker)	Waldrep
Miles	Reeder	Spence	Welch
Moore	Reid	Steele	Whigham
O'Neal	Reynolds	Terry	Williams
Parish (Henry)	Robertson (Cullman)	Tidmore	Wright
Petrey			

BILL INDEFINITELY POSTPONED

On motion of Mr. Hare, H. 169 was indefinitely postponed.

RESOLUTION

Mr. Harrison offered the following resolution:

By Mr. Harrison:

H. J. R. 34. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, the Senate concurring, that when the two Houses adjourn today they adjourn to meet again on Tuesday, March 31st, at 10 A. M.

On motion of Mr. Harrison the rules were suspended and the resolution, H. J. R. 34, was adopted.

BILL ON THIRD READING

S. 62. To declare the public policy of the State as to the control, elimination and prevention of increase of wet, swamp or overflow lands as affecting the public health, general welfare or public convenience or in aid of agriculture; to create each County of the State a drainage district for the purpose of this Act; to provide for the establishment and development of drainage subdistricts; to provide for or assist land owners in providing for, the prevention, elimination, or control of overflow waters, wet, swamp and overflow lands through the control of surface waters and soil erosion by means of drainage, ditching or terracing as related to said declared policy; to provide for the creation of County Boards of Drainage Commissioners; to provide general powers of the County Board of Revenue or Commissioners necessary to carry out the purposes of this Act; to provide for the assessment and collection of costs and expenses of establishing proper control of surface waters upon agricultural lands of this State; to promote, aid and assist the purposes of drainage districts organized under the "Alabama Drainage Law"; to confer the right of eminent domain to the extent necessary to carry into effect the purposes of this Act; and to provide for the

repeal of laws in conflict with this Act in so far as they affect the operations of this Act.

Was read a third time at length and defeated.

Yeas, 47; Nays, 30.

Yeas:

Messrs.:

Arnold	Denson	Lusk	Sparks (Walker)
Blann	Douglass	Matthews	Spence
Braswell	Hamner	Merrill	Steele
Bridges	Hendley	Miller	Terry
Britton	Hill	Parish (Henry)	Tidmore
Calhoun	Hodges	Propst	Todd
Carter	Hollis	Rayburn	Tolbert
Castleberry	Johnston	Reeder	Tompkins
Connor	Jones	Reid	Toomer
Cook	Kelly	Robertson (Cullman)	Wallace
Cox	Langdon	Shaver	Welch
Davis	Livingston	Sparks (Barbour)	—47

Nays:

Messrs.:

Adams	Hall	Norman (Lowndes)	Sanderson
Bateman	Hanks	O'Neal	Shipman
Boswell	Hare	Parish (Pike)	Sightler
Chichester	Lee (Bullock)	Poole	Waldrep
Glover	Long	Quarles	Whigham
Goodwyn	McGowin	Reynolds	Williams
Goolsby	McPhaul	Robinson (Lowndes)	Wright
Haley	Norman (Bullock)		—30

The bill, S. 62, lacked a two-thirds majority required by the Constitution for bills not included in the Governor's call for the special session.

RESOLUTION

Mr. Hendley offered the following resolution:

By Mr. Hendley:

H. R. 35. Be it resolved by the House of Representatives that Senate Bill 122, page 36 of House Calendar No. 15, be made a special and continuing order on the 18th legislative day.

And the resolution was referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in the resolution:

H. J. R. 34. Relative to adjournment of the two Houses until Tuesday, March 31st, 1936, at 10 A. M.

And returns same herewith to the House.

J. E. Speight,
Secretary.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 10:30 o'clock A. M., March 27, 1936:

H. 27, H. 239.

E. F. Taylor,
Clerk.

ADJOURNMENT

On motion of Mr. Norman (Bullock), the House adjourned until Tuesday, March 31st, 1936, at 10 o'clock A. M.

EIGHTEENTH DAY

House of Representatives,

Montgomery, Alabama,

March 31, 1936.

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Robert C. Edge,
Pastor of Capitol Heights Baptist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House the following members answered to their names:

Messrs.:			
Mr. Speaker	De Vane	Lusk	Robertson (Cullman)
Adams	Dominick	Matthews	Robinson (Lowndes)
Almon	Doster	Merrill	Sanderson
Arnold	Douglass	Miles	Shaver
Austin	Glover	Miller	Shipman
Bateman	Goodwyn	Moore	Sightler
Blann	Goolsby	McDermott	Sparks (Barbour)
Boswell	Haley	Norman (Bullock)	Sparks (Walker)
Braswell	Hall	Norman (Lowndes)	Spence
Bridges	Hamner	O'Neal	Steele
Britton	Hanks	Owen (Etowah)	Street
Bulger	Hare	Owens (Madison)	Taylor
Burleson	Harrison	Parish (Henry)	Terry
Byars	Hendley	Parish (Pike)	Tidmore
Calhoun	Henson	Petrey	Todd
Carter	Hodges	Poole	Tolbert
Castleberry	Hollis	Posey (Walker)	Tompkins
Chichester	Jones	Posey (Winston)	Toomer
Connor	Kelly	Propst	Waldrep
Cook	Kirby	Quarles	Wallace
Cox	Langdon	Rayburn	Welch
Davis	Lee (Bullock)	Reeder	Whigham
Delony	Livingston	Reid	Williams
Denson	Long	Reynolds	Wright

A quorum was present.

REPORT OF STANDING COMMITTEE ON REVISION OF
JOURNAL

Mr. Speaker:

Your Standing Committee on the Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the House for the Seventeenth Legislative Day and finds same correct.

R. L. Tolbert,
Vice-Chairman.

The report of the Standing Committee on Revision of the Journal was adopted and the Journal of the House for the Seventeenth Legislative Day was approved.

INTRODUCTION OF BILLS

On a call of counties bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Mr. Propst:

H. 390. To amend Schedule 129 of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Ways and Means.

By Mr. Kelly:

H. 391. In reference to and to further provide for the general revenue of the State of Alabama.

Ways and Means.

By Mr. Quarles:

H. 392. To further provide for and regulate the payment of pensions to the widows of Confederate Soldiers and Sailors.

Appropriations.

By Mr. Tolbert (with notice and proof):

H. 393. To provide for the payment to the Clerk and/or Sheriff of DeKalb County of all costs and fees accruing after the passage of this Act which would otherwise be payable out of the Fine and Forfeiture Fund of DeKalb County to be paid quarterly out of the General Fund of said County instead of out of the Fine and Forfeiture Fund of said County; to provide for the method, manner and time of payment of the same and make the same a preferred claim against the General Fund of said County, and to provide that nothing in this Act contained shall otherwise affect the law with reference to the Fine and Forfeiture Fund of DeKalb County.

Local Legislation No. One.

Notice and proof H. 393:

NOTICE

Notice is hereby given that application will be made to the Legislature of Alabama for enactment into law the following bill:

AN ACT

To provide for the payment to the Clerk and or Sheriff of DeKalb County of all costs and fees accruing after the passage of this Act which would otherwise be payable out of the fine and forfeiture fund of DeKalb County to be paid quarterly out of the general fund of said County instead of out of the fine and forfeiture fund of said County; to provide for the method, manner and time of payment of the same and make the same a preferred claim against the general fund of said County, and to provide that nothing in this Act contained shall otherwise affect the law with reference to the fine and forfeiture fund of DeKalb County.

Be it enacted by the Legislature of Alabama:

Section 1. That on and after the passage and approval of this Act all costs and fees that accrue to the Clerk and Sheriff of DeKalb County, Alabama which would otherwise be a legal claim against the fine and forfeiture fund of DeKalb County, Alabama, in favor of such Clerk and Sheriff shall be paid quarterly to such Clerk and Sheriff out of the general fund of DeKalb County, Alabama instead of being paid out of the fine and forfeiture fund of said County and which shall be a preferred claim on the general fund of said County. Said Clerk and Sheriff shall itemize quarterly and file with the Court of County Commissioners of DeKalb County a statement of such costs and fees under oath and when so filed must be allowed as a claim against the general fund and for which warrant must be immediately drawn, payable to such Clerk and or Sheriff for such fees and costs, but nothing in this Bill contained shall otherwise than as herein specified affect any of the laws with reference to the fine and forfeiture funds of DeKalb County.'

STATE OF ALABAMA, }
DeKALB COUNTY. }

I, E. O. Davidson, Editor and Owner of the Fort Payne Journal, a newspaper published weekly at Fort Payne, Alabama, in DeKalb County, do hereby certify that the above Act has been published for three successive weeks, namely: February 5, 1936, February 12, 1936, and February 19, 1936, inclusive. Notices of same being hereby attached.

E. O. Davidson.

Sworn to and subscribed, before me, this 19th day of March, 1936.

L. G. McPherson,

(Seal)

Clerk Circuit Court, DeKalb County.

By Mr. Lusk (with notice and proof):

H. 394. To establish the Attalla-Gadsden Sanitary District in Etowah County, Alabama, and define the boundaries, powers, duties and authority thereof; to create a commission composed of five resident adult citizens of said district as the governing body of said Sanitary District, and to define the jurisdiction, powers, duties and authority of said Commission and to fix the terms of office and provide for the appointment of the members thereof; to authorize said Sanitary District and said Commission to borrow money and issue bonds or other obligations to pay therefor, for the construc-

tion of sewer pipe lines, conduits and excavations and other structures and works in connection therewith and treatment or purification plants and other structures and appliances in connection therewith in said Sanitary District; to authorize and empower said Sanitary District and said Commission to charge and collect for the use of or the connecting with said sewer pipe lines, conduits and other structures and said treatment or purification plants and other structures, and to do all things and exercise all rights and powers heretofore conferred upon sanitary districts in the state, or which may hereafter be conferred upon them, by law, and to do all things necessary, proper or advantageous in the construction, establishment and maintenance of all structures, pipe lines, conduits or appliances in the collection, carrying away, disposal of, or treatment and purification of sewage, drainage and the like in said District, and to confer upon said Sanitary District the powers of a public corporation and of eminent domain for the acquirement of lands, properties, easements and rights of way and to authorize said Sanitary District and said Commission in the name thereof to sue and to be sued in the courts in matters relating to the property, property rights, construction, operation and maintenance of the business of said District in the collection, disposal, treatment and purification of sewage and the drainage in said District.

Local Legislation No. One.

Notice and proof H. 394:

NOTICE

Attalla-Gadsden Sanitary District.

Notice is hereby given of the intention to apply to the Legislature of Alabama, the extraordinary session being held at this time, for the passage of an Act, the substance of which will be as follows:

To establish the Attalla-Gadsden Sanitary District, which will be within the following boundaries in Etowah County:

Begin at the northeast corner of Section 25, Township 11, Range 6 east, and extend Southward along the range line between Ranges 6 and 7 east to the southeast corner of Section 24, Township 12, Range 6 east; thence west along the south line of Section 24, 23, as that line crosses Coosa River, 22, 21, 20 and 19 in Range 6 east, Sections 24, 23, 22 and 21, in Range 5 east to the southwest corner of said Section 21 in said Range 5 east; thence north along the west line of Sections 21, 16, 9 and 4, in Township 12, and of Sections 33 and 28, in Township 11, in Range 5 east, to the northwest corner of said last named Section 28; thence east along the north line of Sections 28, 27, 26, 25, in Range 5 east, and Sections 30, 29, 28, 27, 26 and 25, in Range 6 east, in Township 11, and to the northeast corner of the last named section, the beginning point;

Create a Commission in and for said Sanitary District called the Sanitary Commission, composed of five resident adult citizens of said district, one from the City of Attalla, three from the City of Gadsden and one from that portion of the district not included in the corporate limits of said two cities, said Sanitary District and said commission to constitute the body corporate, or a

public corporation; the governing body of the City of Attalla to appoint the member of the commission from that city, who shall hold office for four years from the date of his appointment; the governing body of the City of Gadsden to appoint the three members of the commission from that city, one of whom shall hold office for a term of five years, another for the term of two years and another for the term of one year, as designated by that governing body, and the governing body of the county of Etowah to appoint the member of the commission from that portion of the Sanitary District not included in the corporate limits of the cities of Attalla and Gadsden, the term of office of that commissioner to be three years, and after the expiration of said first terms of office, the term of office of each commissioner shall be five years, the commission to elect one of its members as chairman and to employ a person as the secretary thereof, the commissioners, after said first terms of office expire, to be appointed respectively by the governing authorities of Attalla, Gadsden and Etowah County; three of said commissioners to constitute a quorum for the transaction of all business, said commission to have the power and authority to adopt and promulgate such rules, regulations and by-laws for the government of the commission as may be reasonable and suitable therefor, prescribe the time for the meetings of the commission and the order for the transaction of business therein; the remaining members of the commission to fill all vacancies of the commission for the unexpired terms; the commission shall transact all business of said Sanitary District, but no member thereof shall be personally liable for any official act of his; all contracts shall be made by said commission in the name of Attalla-Gadsden Sanitary District, and all transactions of said commission, of every kind and character, to be in the name of said such Sanitary District, all court proceedings had and done by in land acquired to be taken to and in the name of said such Sanitary District, all court proceedings had and done by said commission to be in the name of said Sanitary District, and all bonds and obligations shall be taken in its name; the commission to be empowered to cause to be constructed, operated and maintained main or trunk lines of sanitary sewers from points within or without said Sanitary District, with discretion vested in it of locating said sewers and the termini thereof, of the materials out of which said sewers shall be constructed, the type and capacity of said sewers, the points at which sewage may be placed in the said sewers, said commission to have the authority to construct whatever lines of sewers and in the order it may decide upon and to construct branch lines of sanitary sewers, the commission, of course, not to have the authority to construct solely within the corporate limits of either Attalla or Gadsden a main or branch sewer line for the exclusive use of that municipality or the residents thereof: to bestow upon the commission the power to employ experts, engineers, labor and professional skill of all kinds that it may be deemed necessary or appropriate by the commission to accomplish the work and exercise the rights and powers conferred upon it and to make such contracts as it may deem necessary or appropriate to accomplish the work and maintain the ends authorized and contemplated in the establishment of said Sanitary District; to give the commission power and authority to treat sewage at any point in said Sanitary District where the same may be concentrated and to construct and operate a treatment plant or plants at such place or places as it may determine and to do all things necessary or needful for the treatment of sewage; power to acquire by gift, purchase or otherwise, lands, watercourses, rights of way, easements or interests in lands that may be necessary or appropriate for the construction of main or trunk and branch line sewers and for pumping station or stations for the disposal or treatment of sewage, and to acquire lands, watercourses, rights of way, easements or interests in lands by condemnation under the procedure and with the rights set out in Code of Alabama of 1923, Chapter 286, Article 1,

or any other appropriate Alabama condemnation statute, for the acquirement of lands for public uses, except that the commission shall not be required to give security cost in condemnation proceedings and to give bond on appeal, and except that no separate appeal direct to the Supreme Court from the Probate Court may be taken by either party in such proceeding, but either party may take an appeal as provided in said Chapter of the 1923 Code of Alabama, or in any other appropriate statute; to give to commission the right, before determining upon the final plan or route for the construction of any work authorized in said Act, any of its members, officers, agents, servants, employees or contractors to, at all times, enter upon any lands in said Sanitary District for the purpose of exploring, making test pits or holes, surveying, leveling or laying out the route of any construction authorized by the said proposed Act, said Sanitary District to be liable only for actual damages done to private property in the exercise of such powers; to give said commission the power and authority to construct said main or trunk and branch line sewers, under, over or across any watercourse, over, across or along any street, public highway, railroad or other way, and to that end may enter upon, dig up any street or public highway, or public or private land for the purpose of laying said trunk or branch lines of sewers and for maintaining the same, and to restore to previous condition and order said streams, streets, public highways; also to give said commission the power and authority to alter or change the course or direction of any watercourses, to alter or change the location or grade of any public street or highway crossed by the trunk or branch lines of sewers, provided that no watercourse or highway shall be altered or changed which affects the rights of private property without making compensation therefor, in a condemnation proceeding authorized in said Act; to give said commission full authority to make and promulgate rules and regulations for connecting with said main, trunk and branch line sewers, sewers of other persons, corporations or municipalities and to especially prohibit any person, corporation or municipality from connecting any sewer, line of sewer or drain within a trunk or branch line of sewer constructed by said commission, except by the consent of the commission, which shall designate the point or points for such connections; to provide that all incorporate cities and towns within whose limits or to whose limits any trunk or branch line of sewer shall have been constructed, shall connect their sewers to such trunk or branch line of sewer, subject to the direction, control and regulation of the commission; that it shall be unlawful for any such municipality to permit the use of any sewer or drain within its limits which is not connected with said trunk or branch line of sewer, subject to the approval of the commission; to give the commission the authority at any time to permit any person, firm or corporation to connect private drains or sewers within or without the corporate limits of any municipality with any trunk or branch line of sewer, subject to the direction, control and regulations of the commission; to grant to the commission power and authority to protect any and all streams and watercourses in said Sanitary District from pollution by domestic sewage and to impose the duty on the commission to protect from such pollution any and all streams and watercourses in said Sanitary District; that it will be unlawful for any person, association, corporation or municipality to connect or maintain any sewer, drain or sewage system with any trunk or branch line of sewer constructed by the commission except at such points, in such manner and under such regulations as may be prescribed by the commission, the commission to have the right to restrain the use of any connection made without its consent, or at a point, or in a manner contrary to the rules and regulations of the commission, and the commission may compel the restoration of the branch or trunk line to the condition in which it was prior to the connection; the commission to have the power to adopt rules and regulations regulating the use of the sewers constructed by it, the

character, quality and kind of waste and sewage that shall be permitted to flow in the sewers constructed by it; that the commission may designate a person to enter into or upon all private property for the purpose of examining the sanitary connections thereon and may examine and dig into any sanitary sewer in any municipality, or in that portion of the Sanitary District outside of the corporate limits of Attalla and Gadsden, for the purpose of ascertaining whether or not the drainage therefrom into the trunk lines of sewer is in compliance with the rules and regulations of the commission, the commission to have full power and authority to enforce all of its rules and regulations in the conduct of its said sewer system; that it shall be unlawful for any person, association, corporation or municipality to connect any sewer drain or sewage system from which it is designated that any contaminating or other harmful or deleterious matter, solid or liquid, shall flow into any of the waters or streams in said Sanitary District so as to pollute or render impure such waters, except under such conditions as shall be prescribed or approved by the commission; that it shall be unlawful for any person, association, corporation or municipality to cause, permit or allow any sewage or other polluted water to flow into any watercourse or stream in said Sanitary District from any land in the possession or under the control of such person, association, corporation or municipality, and it shall be unlawful for any such person, association, corporation or municipality to permit or allow any polluting, contaminating or deleterious matter to be or remain upon any land in the possession, control or under the supervision of such person, association, corporation or municipality, when drainage from such land is into any stream in said Sanitary District, except with the approval of the commission; and said commission shall have the right and power to restrain and prohibit any act or thing declared to be unlawful in said Act; that any person who wantonly or maliciously destroys or injures any sewer or other property held or used by the commission in said Sanitary District shall forfeit and pay to said district three times the amount of damage sustained and said commission, in the name of said Sanitary District, may sue for and recover for same in any court having jurisdiction; that the commission shall have the right and power in the name of said Sanitary District, to apply to any court having jurisdiction for writ of injunction, or other remedial writ, to restrain from being done, or to compel to be done, those things and acts which the commission is given authority and power to require to be done, and to prevent being done in said Act, and upon the filing of a bill or other proceeding to enforce the powers to be conferred upon the commission in said Act, a majority of the commissioners shall certify to the court either in bill or other paper filed, or by separate instrument, that in their opinion the public health or public good demands immediate action, it shall be the duty of the court summarily and without notice, to order or decree that a temporary injunction or other appropriate remedial writ shall issue, or if such certificate is not filed at the time or filing of the bill or other proceeding, and such certificate should afterwards, during the pendency of the cause, be filed, it shall be the duty of the court, upon the filing of such certificate, at once, without notice, to decree or order that a temporary injunction, or other appropriate remedial writ issue; that the court shall not require any bond to be given by said Sanitary District, or by the commission, in any of the proceedings authorized by the Act; that any number of persons, corporations or municipalities may be joined as defendants in the same cause and on a final hearing the court may decree a perpetual injunction against any or all the defendants, or render such a decree as the facts may warrant; that all work let to a contractor or contractors by the commission, except emergency work, shall be let to the lowest and most responsible bidder after bids are advertised for in such newspapers and for such length of time as the commission may name, and the commission may reject any and all bids; the commission to have the exclusive right to deter-

mine who is the lowest and most responsible bidder; the commission to file with its records a statement of all bids received on each lot or parcel of work to be let, showing the amount of each bid and stating in the statement which bid was accepted, and the commission shall cause each or all such statements or reports to be recorded on its records; that contractors, where the amount to be paid under a contract exceeds one thousand (\$1,000) dollars, shall give bond with some bonding company as surety, or other good and sufficient surety, to be approved by the commission, or by a committee of the members of the commission appointed by the commission, in an amount equal to the amount of the bid and so conditioned as the commission may require, to secure the faithful performance of the contract; the commission shall require the engineers, or the persons upon whose estimates and acceptance payment are to be made to the contractors, to execute bonds payable to said Sanitary District with a surety company as surety, to be approved by the commission, in a sum not less than one-eighth ($\frac{1}{8}$) of the amount of the contract let, upon which they accept work and give estimates, and so conditioned as to guarantee the honest and faithful discharge of their duties in giving estimates and accepting work, as shall be designated by the commission; that no member of the commission shall be directly or indirectly interested in the sale of any material to the commission or said Sanitary District, or in the sale of materials or supplies to contractors or sub-contractors to be used on or in furtherance of any work of the commission, or of said Sanitary District, the commission to keep or cause to be kept full and accurate minutes of its meetings and shall preserve all books, plans, contracts, maps, engineers' reports and other papers acquired during the surveys, investigation and construction of any work authorized, the commission to be authorized to from time to time sell at public or private sale, within its discretion, or otherwise dispose of any property, real, personal or mixed, not needed by the commission or said Sanitary District in the construction and maintenance of sewers and treatment plants; the commission to have power to appoint and pay a salary to one of its members, or some other adult person, as the custodian and treasurer of all moneys coming into the hands of the commission, whether from the sale of sanitary bonds or otherwise, and all moneys, and all moneys going into the sanitary fund from any source, and all moneys received by the commission from sale of property or from other source, and require such person to give bond for the faithful performance of his duties as such treasurer in such amount as may be fixed by the commission, said bond to be secured by a surety company, and require such treasurer to make reports to the commission of his acts and doings at such times and with such frequency as the commission may fix; that the expenses of all construction work done by the commission and all costs and expenses in any way connected therewith, shall be paid out of the money received from the sale of sanitary bonds, and/or assessments against property benefited by such constructions, and all expense of repairs, maintenance, protecting streams from pollution and all other expenses incurred in the exercise of the powers in the Act granted, shall be paid out of the sanitary fund derived from any other source, including money received by the commission in the conduct of said sewage system and treatment plants, which shall be paid only on warrants authorized by the commission; to give the commission power and authority to issue and sell bonds of said Sanitary District, to prepare the form of said bonds to be issued by the Sanitary District, stating denominations thereof and to do all things necessary or appropriate to the issue and sale of said bonds and the receipt of the sale price thereof, said bonds to be executed in the name of the Sanitary District, by the president or chairman of the commission and attested by the secretary; to give the commission the power and authority to from time to time sell said bonds in the quantities determined in its discretion, or to sell all the bonds at one time, the price for which said bonds shall

be sold to be that determined by the commission to be to the best interest of the said Sanitary District; the treasurer of said commission shall deliver to the purchaser or purchasers the bonds sold by the commission when and as directed by the commission, the commission to state in writing in its directions to the treasurer to deliver the bonds, the price for which they were sold and the number of bonds and the denominations to be delivered; the commission, as often as it makes a sale of sanitary bonds, shall make a written report thereof and cause it to be spread upon its minutes, which report shall state the price at which the bonds were sold and the number and denominations of bonds sold and delivered; the members of the commission shall not receive any compensation for their services, except actual traveling and other expenses incurred and expended in transacting the business of the commission, each member of the commission to render an itemized statement of his expenses each time he collects for expenses, such expenses of each to be allowed by the commission before it can be paid; that no suit shall be maintained against said Sanitary District, or the commission, for any act done or omitted by the commission, or any agent, servant or employee thereof, until and unless a claim therefor is filed with said commission within ninety days from the commission or omission complained of, and in the event the commission declines to pay, suit may be commenced against said Sanitary District, but it shall not be maintained unless it is filed in a court having jurisdiction within six months from the time the claim is filed with said commission; said commission and Sanitary District to be given full power and authority to charge and collect from the users of, or those connecting with, its sewage lines, works, system or any part thereof, and treatment plants, or for making use thereof, reasonable amounts as compensation for the same, and to adopt all reasonable rules and regulations protecting the commission and the Sanitary District therein and assuring the collection of said charges, and said commission and Sanitary District to have the power and authority to exercise, employ and use all rights, authority and privileges, including the power of taxation, conferred heretofore upon Sanitary District in this state by the laws of Alabama, or which may hereafter be conferred thereby.

STATE OF ALABAMA, }
ETOWAH COUNTY. }

Personally appeared before the undersigned authority, C. R. Hofferbert, who being sworn deposes and says that the Gadsden Times is a newspaper published daily in the City of Gadsden, Etowah County, Alabama, by the Gadsden Times Publishing Company, 420 Chestnut Street, in said city, county and state; that affiant is Managing Editor of said newspaper and has knowledge of the facts stated herein and as such, has authority to make this affidavit and that the printed copy of notice of a proposed bill to establish the Attalla-Gadsden Sanitary District, attached to this affidavit, is a true and correct copy of said notice of said proposed bill as the same was published in said newspaper once a week for each of four successive weeks, one of said notices having been published on each of the following dates: February 27, March 5, 12 and 19, 1936.

This March 30, 1936.

C. R. Hofferbert,
Managing Editor of the Gadsden Times.

Subscribed and sworn to before me this the 30th day of March, 1936.

C. L. Cottle,
Notary Public.

(Seal)

By Messrs. Shaver and Owens (Madison):

H. 395. To amend Sections 312 and 324 of the Code of Alabama 1923 relating to County Depositories in lieu of County Treasurers.

Judiciary.

By Mr. Haley:

H. 396. To provide for the exemption from taxation of property owned by educational institutions located in the State of Alabama, where the income therefrom is used exclusively for educational purposes, by extending the provisions of House bill 479—West, Acts of the Legislature, 1932, approved October 22, 1932.

Ways and Means.

By Mr. Posey (Walker):

H. 397. A Bill to be entitled An Act to propose an amendment to the Constitution of Alabama permitting the ad valorem assessment on real estate as hereinafter set out; and to provide for the submission of the proposed amendment to the qualified electors of the State of Alabama at the general election to be held in said State on the 3rd day of November, 1936, as follows:

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama, hereby proposed, to-wit:

After the adoption of this amendment it shall be lawful to assess real estate for taxes in the State of Alabama and in each county thereof as follows: One hundred sixty acres of land or less forty percent of its fair market value; one hundred sixty to two hundred acres at forty-five percent of its fair market value; two hundred to two hundred forty acres at fifty per cent of its fair market value; two hundred forty to two hundred eighty acres at fifty-five percent of its fair market value; two hundred eighty to three hundred acres at sixty percent of its fair market value; three hundred to four hundred acres at sixty-five percent of its fair market value; four hundred to five hundred acres at seventy percent of its fair market value; and all over five hundred acres at seventy-five percent of its market value.

Section 2. This amendment shall be submitted to the qualified electors of the State at the general election to be held for the State of Alabama on the 3rd day of November, 1936.

The above and foregoing bill, H. 397, proposing an amendment to the Constitution, was read one time at length and referred to the Standing Committee on Constitution and Constitutional Amendments.

By Mr. Walker:

H. 398. A Bill to be entitled An Act to submit to the qualified voters of the State at the next general election to be held on the first Tuesday after the first Monday in November, 1936 for their consideration, an Amendment to the Constitution of the State of Alabama to be known as Amendment No. _____ to fix the compensation of the Probate Judge, the Tax Collector and the Tax Assessor of Limestone County.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration as hereinafter set forth, namely:

"Amendment to Constitution by the addition of Section_____ From and after the_____ day of_____, 19____, the Probate Judge, the Tax Collector and the Tax Assessor of Limestone County shall each continue to collect all fees, charges, benefits and penalties accruing to such offices or to the holders thereof and shall pay the same into, and the same shall be covered into the general fund of the Treasury of Limestone County. Thereafter the Probate Judge shall be paid out of the General Fund of the Treasury of said County in equal monthly installments the sum of Six Thousand Dollars, (\$6,000.00) and no more per annum as salary and as reimbursement for his clerk hire, and the Tax Collector and the Tax Assessor shall each be paid the sum of Three Thousand Dollars (\$3,000.00) from the same fund for the same purposes and in the same installments. The Probate Judge, the Tax Collector and the Tax Assessor shall each be provided by the governing body of said County with a furnished office and equipment and supplies for the carrying on of the duties of their respective office, but they shall not be provided with any clerical hire."

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in the State at least four successive weeks next preceding the general election in November, 1936, of the election and the amendment proposed by this Act to be submitted to the qualified voters of the State for their consideration, together with the proposed amendment.

Section 3. That at the general election held on the first Tuesday after the first Monday in November, 1936, the foregoing Amendment shall be submitted to the qualified electors of the State. Upon the ballots used at such election shall be printed the foregoing Amendment as set forth in Section One hereof in full. Following the proposed Amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No". The choice of the elector shall be indicated by a cross mark beside the word expressing his desire.

Section 4. The officers of such general election shall conduct a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon such proposed amendment the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of State and counted in the same manner as in elections for repre-

sentatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor.

The above and foregoing bill, H. 398, proposing an amendment to the Constitution, was read one time at length and referred to the Standing Committee on Constitution and Constitutional Amendments.

By Mr. Reeder (with notice and proof):

H. 399. To relieve all persons in Lauderdale County, Alabama, of any legal obligation to work on the public roads or streets in said county, or to pay any money in lieu of such obligation to work on the public roads or streets in Lauderdale County, Alabama.

Local Legislation No. One.

Notice and proof H. 399:

NOTICE

Notice is hereby given that application will be made to the present regular session of the Legislature of Alabama for the passage of the following bill:

"A BILL TO BE ENTITLED

"An Act to relieve all persons in Lauderdale County, Alabama, of any legal obligation to work on the public roads or streets in said county, or to pay any money in lieu of such obligation to work on the public roads or streets in Lauderdale County, Alabama.

"Be it enacted by the Legislature of Alabama:

"Section 1. That all persons in Lauderdale County, Alabama, shall be relieved of any legal obligation to work on the public roads or streets in said county, or to pay any money in lieu of such legal obligation to work on the public roads or streets in Lauderdale County, Alabama.

"Section 2. That all laws, both local and general, in conflict herewith, be, and the same are hereby repealed.

"Section 3. That this Act shall take effect upon its passage and approval by the Governor."

F21-28; M6-13

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA. }
LAUDERDALE COUNTY. }

I, Lillie Anderson, secretary of The Florence Herald, a weekly newspaper published in Florence, Alabama, hereby make affidavit that the advertising of: A Bill To Be Entitled An Act was published in The Florence

Herald on the days and dates and in the amount of space as here given, as follows: Feb. 21, 28, March 6, 13, 1936.

Florence, Ala., March 28, 1936.

Lillie Anderson,
Secretary of The Florence Herald.

Sworn to before me this 28th day of March, 1936.

Annie Mae Swank,
Notary Public.

By Mr. Rayburn:

H. 400. PROPOSED AMENDMENT TO THE CONSTITUTION OF 1901.

The following amendment to the Constitution of 1901 is hereby proposed by the Legislature, in accordance with the requirements of Section 284 of the Constitution, providing a mode of amending the Constitution, to-wit:

1. All funds and revenues of the State, raised by licenses, taxes, or otherwise, shall be covered into the general fund of the State, to be paid out only on appropriations made by the Legislature by bills regularly passed by both Houses and approved by the Governor. Such appropriations shall give preference to interest and payment of the public debt and to the ordinary expenses of government; after which, appropriations shall be made for all other activities of the State, in conformity to the will of the Legislature.

2. The above and foregoing proposed amendment shall be submitted to the voters of the State at a general election to be held on the first Tuesday after ninety days from the final adjournment of the Legislature. Notice of such election, together with the proposed amendment, shall be given by proclamation of the Governor, which shall be published in every county once a week for four consecutive weeks in a newspaper published in said county, or in case no newspaper is published in said county, by posting the same at the courthouse door of said county.

The above and foregoing bill, H. 400, proposing an amendment to the Constitution, was read one time at length and referred to the Standing Committee on Constitution and Constitutional Amendments.

By Mr. Arnold:

H. 401. To amend Section 7235 of the Code of Alabama, 1923.
Revision of Laws.

By Mr. Arnold:

H. 402. To amend An Act entitled "An Act to establish a more humane system for caring for the needy aged in the State of Alabama and the several counties thereof by providing for old age pensions; to define the persons entitled thereto, and to provide for the ascertainment and determination of the qualifications of appli-

cants therefor; to further provide for and regulate the payment of pensions under Article 1 of Chapter 55 of the Code of Alabama of 1923, as amended; to provide for the payment thereof; to make an appropriation for the same; to provide for a lien on the property of certain recipients of old age pensions and to provide for the enforcement thereof, to provide for the administration of such system and to define offenses against this Act and to fix punishment for such offenses; and to provide for cooperation with the Government of the United States and its agencies in caring for the needy aged; and to repeal all laws in conflict herewith" as follows:

Revision of Laws.

By Mr. Calhoun:

H. 403. To amend Schedule 133 of the Revenue Code of Alabama, of 1935.

Ways and Means.

By Mr. Almon (with notice and proof):

H. 404. To repeal an act entitled an act, To regulate the business of money brokers and persons who lend money for themselves or others on bill of sale, notes or mortgages on personal property or other personal security, in Jefferson, Morgan, Walker and Etowah Counties.

Local Legislation No. One.

Notice and proof H. 404:

NOTICE

Notice is hereby given that at the extra session of the Legislature of Alabama, to be held in Montgomery, Alabama, beginning Tuesday, February 11, 1936, that the following local bill will be introduced:

AN ACT

To repeal an act entitled an act, To regulate the business of money brokers and persons who lend money for themselves or others on bill of sale, notes or mortgages on personal property or other personal security, in Jefferson, Morgan, Walker and Etowah Counties.

Be it enacted by the Legislature of Alabama:

Section 1. That an act entitled an act to regulate the business of money brokers and persons who lend money for themselves or others on bill of sale, notes or mortgages on personal property or other personal security, in Jefferson, Morgan, Walker and Etowah Counties, approved March the 9th, 1901, be, and the same is hereby repealed in so far as it applies to Morgan County, Alabama.

Feb. 7-14-21-28.

T. C. Almon,
Member of the Legislature.

STATE OF ALABAMA, }
MORGAN COUNTY. }

Before me, R. T. Sheppard a Notary Public in and for said State and county appeared Robert Rice known to me to be the Classified Ad Mgr. of

the Decatur Daily a daily newspaper published at Decatur, Morgan County, Alabama; who after being duly sworn by me deposes and says that notice of attached act appeared as per attached copy appeared in The Decatur Daily on the following dates Feb. 7-14-21-28, 1936 and the reason that it is not possible to furnish copies of the above dates is, the files of those dates are completely exhausted.

Robert Rice.

Sworn to and subscribed before me this the 21st day of March, 1936.

R. T. Sheppard,
Notary Public.

BILLS ON SECOND READING

Mr. Glover, Chairman of the Standing Committee on Local Legislation No. One, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. Shipman (with notice and proof):

H. 382. To authorize and empower the Court of Commissioners of Pike County in the State of Alabama, for the relief of Hattaway Lumber Company of Brundidge in said County, to pay to said company the sum of (\$212.00) Two Hundred Twelve & NO/100 Dollars, to compensate for the damage to a truck injured on the Highway of said county by an employee of the county engaged in highway work for said county.

By Mr. Rayburn (with notice and proof):

H. 379. To provide for the drawing, summoning and empaneling of the juries for the Circuit Courts of Marshall County, and in every way providing a special jury law for Marshall County, and repealing all laws or parts of laws in conflict with the provisions of this Act.

By Mr. Robinson (Lowndes) (with notice and proof):

H. 389. To abolish the fine and forfeiture fund of Lowndes County, Alabama; to provide for the payment into the General Fund of said county, all of the moneys which under existing laws, or laws hereinafter enacted, are payable into said fine and forfeiture fund; to provide that witnesses summoned on behalf of the State and all other claims which are payable out of the fine and forfeiture fund of Lowndes County shall, in the future, be paid out of the General Fund of said County; to fix the priorities of said claims; to provide for the registration of the same; to regulate the payment of the same; and to validate all witness certificates and claims now outstanding against the fine and forfeiture fund.

Mr. Glover, Chairman of the Standing Committee on Local Legislation No. One, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

By Mr. Walden (with notice and proof) (with amendment):

S. 103. To authorize the Board of Revenue of Houston County, Alabama, to levy and collect a privilege tax on all persons, corporations, copartnerships, companies, agencies, associations and refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naptha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil" "fuel oil" or "crude oil" commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; to authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; to make provisions for the distribution of the funds derived from said privilege tax; to prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis; to repeal the municipal privilege, excise and or license taxes on gasoline, Woco-pep, or any other motor fuel, used by self propelled vehicles which may now be collected or levied by any incorporated city or town in said county; to provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; to repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective.

Mr. Harrison, Chairman of the Standing Committee on Ways and Means, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. McDermott:

H. 376. "To authorize cities, towns, or municipalities to sell real estate which has been sold for taxes prior to January 1st, 1936, for city, town, or municipal ad valorem taxes, and bought in at such tax sale by such city, town, or municipality, without requiring the payment of interest or penalties, and to repeal all laws and parts of laws, general, special, local, or private, in conflict with the provisions of this Act."

Mr. Connor, Chairman of the Standing Committee on Local Legislation No. Two, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Simpson:

S. 123. To create and establish in each County of the State of Alabama which has a population of 200,000 or more people, ac-

according to the last Federal Census, or which may hereafter have a population of 200,000 or more people, according to any subsequent Federal Census, a Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or part from the public funds of such counties or municipalities located therein; to create a Citizens Supervisory Commission and to create Personnel Boards and other agencies for the supervision and administration of said System in each of such Counties and municipalities thereof, to define the scope and extent of said System and the powers, duties and authority of said Commission, Boards and other agencies; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such Personnel; to provide for the payment of the expenses of each such agency and for a division of expense between the counties affected and the municipalities therein, to provide penalties for the violation of this Act and of rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof.

Mr. Calhoun, Chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. Taylor:

H. 245. Prohibiting employers of labor from interfering with the political activities of their employees and providing penalties for a violation thereof.

By Mr. Mooneyham:

S. 51. To prohibit persons, firms or corporations operating steam railroads in intrastate transportation of persons and property within the State of Alabama unifying or consolidating freight or passenger depots, freight or passenger terminals, freight or passenger yard tracks, freight or passenger shops or any freight or passenger terminal facilities, within the State of Alabama, used in the intrastate transportation of persons or property, where such unification or consolidation will constitute an unreasonable burden upon intrastate commerce within the State of Alabama or is not consistent with the public interest.

Mr. Street, Chairman of the Standing Committee on Public Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Almon:

H. 368. To Amend Section 1156 of the Code of Alabama, 1923.

The above and foregoing bills were severally read a second time and placed on the Calendar.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 201. To require one third of the tax now levied and collected on gasoline, Woco-pep, or other substitutes therefor, by the Board of County Commissioners of Madison County, Alabama, under authority of an Act of the Legislature approved September 20, 1923, and amendments thereto, to be used for the purpose of creating a sinking fund for the retirement of One hundred thousand (\$100,000.00) Dollars in bonds (authorized by an election held in said County on May 9, 1921), and the payment of interest on same, to be issued by Madison County, Alabama, for the purpose of constructing and improving roads in said County; to require the County Board of Commissioners, or like governing body, of said County, to set aside said funds for said purpose; to fix the date on which said payments into such sinking fund shall begin; authorizing the Board of County Commissioners, or like governing body, of said County to purchase and retire before maturity said bonds, or any portion thereof with said funds so set aside; and providing that upon final payment of said bonds with interest, and the retirement of same, all such payments into such sinking fund so created shall cease.

Also:

H. 302. To amend an Act entitled an Act, To fix the salary of the Judge of Probate in all counties in this State which may hereafter have a population of seventy-five thousand people and less than one hundred thousand people according to the last Federal census or any such census which may hereafter be taken and to regulate the payment of same; to provide for the selection of clerical help and other assistance to said Judges of Probate and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such Judge of Probate, and to provide for an election clerk to be appointed by said Judges of Probate, who shall also be ex-officio clerk of the Board of Registrars in said counties, define his duties and fix his compensation; and to require all of said Judges of Probate to pay into the County Treasury of said counties all costs, charges and courts, fees and commissions authorized by law to be collected by said Judges of Probate as other moneys belonging to said counties are paid.

Also:

H. 202. To prohibit the furnishing by the Board of County Commissioners, or like governing body, of Madison County, Ala-

bama, of any automobile or other conveyance, or motor fuel or oil, to any member of said Board, or governing body, for use by him in the prosecution of his duties or employment as a member of such Board, or otherwise; and to prohibit the use of any such articles by any member of such Board, or governing body, furnished in violation of the provisions of this Act, and to fix the penalty for such violations.

Also:

H. 291. To alter the corporate limits of the City of Guntersville, Marshall County, Alabama, and to rearrange and define the boundaries thereof:

Also:

H. 293. To Authorize and Empower the Board of Revenue of Shelby County, Alabama, to use so much of the funds derived from the excise tax on gasoline, or other liquid motor fuels, levied under the Act of the Legislature of Alabama, and entitled, "An Act to Provide for the General Revenue of the State of Alabama", and as further provided for in Article 8, Chapter 4, and by Schedule 156.1 of said Act, "imposing an excise tax on every distributor, refiner, retail dealer, or storer of gasoline,—providing for the collection and payment of such tax and the distribution of the funds derived therefrom, and fixing the penalties for the violation of any provisions thereof", which is to be paid to Shelby County, Alabama, under the provision of Schedule 156.9, as provided for in Article 8, Chapter 4, of an Act of the Legislature of Alabama, approved July 10th, 1935, and entitled, "An Act to Provide for the General Revenue of the State of Alabama", being House Bill No. 324, for the purpose of paying the compensation of such members of the Board of Revenue of Shelby County, Alabama, while acting as road supervisors in said County for their respective districts, as now provided by law, and to authorize the County Treasurer of Shelby County, Alabama, to immediately upon the passage and approval of this Act to set aside a sufficient sum of said gas tax to be used for the payment of the compensation provided for in Section 1 of this Act.

Also:

H. 290. To permit moving picture shows on Sunday, whether admission is charged therefor or not, in the City of Guntersville, Alabama, and within the police jurisdiction thereof.

Also:

H. 301. For the relief of Thomas W. Jones, formerly Probate Judge of Madison County, Alabama.

Also:

H. 296. To establish a Court of County Commissioners for Marshall County, Alabama, in lieu of the Board of Revenue as now

provided by law for said County; to fix the number of members thereof, and to prescribe the districts of said Court, to provide for the appointment and election of the members of said Court, to fix their duties, powers, compensation and terms of office; to provide that the Judge of Probate of Marshall County, Alabama, shall be Ex-Officio Judge and Chairman of said Court; to fix his powers, duties and compensation, and provide for its payment and provide that all laws and parts of laws, both general and special, in conflict with the provisions of this Act be, and the same are hereby repealed, and to provide when said Act shall go into effect.

Also:

H. 238. To repeal a Local Act of the Legislature of Alabama approved September 13, 1935, entitled, 'An Act, to establish a Board of Revenue for Marshall County, Alabama, to fix the number of members thereof and to fix the districts of said Board; to relieve the Judge of Probate of his duties as Chairman of the Board of Revenue; to provide for the appointment and election of the members of said Board; to fix their duties, powers, compensation and terms of office; to provide for the appointment and election of a Chairman thereof; and fix his duties, powers, compensation and the term of office; to provide for the selection and appointment of a bookkeeper-clerk for said Board, and to fix his term of office, powers, duties and compensation, and provide for its payment and to provide for the appointment of a County Engineer; to fix his duties, and the term of his office and his powers and to provide for his compensation and to provide that all laws or parts of laws, both general and special, in conflict with the provisions of this Act be, and the same are hereby repealed, and to provide when said Act shall go into effect.

J. E. Speight,
Secretary.

REPORT OF STANDING COMMITTEE ON ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Enrolled Bills reports that it has examined the following House bills, and finds same correctly enrolled, to-wit:

H. 201. To require one-third of the tax now levied and collected on gasoline, Woco-pep, or other substitutes therefor, by the Board of County Commissioners of Madison County, Alabama, under authority of an Act of the Legislature approved September 20, 1923, and amendments thereto, to be used for the purpose of creating a sinking fund for the retirement of One hundred thousand (\$100,000.00) Dollars in bonds (authorized by an election held

in said County on May 9, 1921), and the payment of interest on same, to be issued by Madison County, Alabama, for the purpose of constructing and improving roads in said County; to require the County Board of Commissioners, or like governing body, of said County, to set aside said funds for said purpose; to fix the date on which said payments into such sinking fund shall begin; authorizing the Board of County Commissioners, or like governing body, of said County to purchase and retire before maturity said bonds, or any portion thereof with said funds so set aside; and providing that upon final payment of said bonds with interest, and the retirement of same, all such payments into such sinking fund so created shall cease.

Also:

H. 202. To prohibit the furnishing by the Board of County Commissioners, or like governing body, of Madison County, Alabama, of any automobile or other conveyance, or motor fuel or oil, to any member of said Board, or governing body, for use by him in the prosecution of his duties or employment as a member of such Board, or otherwise; and to prohibit the use of any such articles by any member of such Board, or governing body, furnished in violation of the provisions of this Act, and to fix the penalty for such violations.

Also:

H. 238. To repeal a Local Act of the Legislature of Alabama approved September 13, 1935, entitled, "An Act, to establish a Board of Revenue for Marshall County, Alabama, to fix the number of members thereof and to fix the districts of said Board; to relieve the Judge of Probate of his duties as Chairman of the Board of Revenue; to provide for the appointment and election of the members of said Board; to fix their duties, powers, compensation and terms of office; to provide for the appointment and election of a Chairman thereof; and fix his duties, powers, compensation and the term of office; to provide for the selection and appointment of a bookkeeper-clerk for said Board, and to fix his term of office, powers, duties and compensation, and provide for its payment and to provide for the appointment of a County Engineer; to fix his duties, and the term of his office and his powers and to provide for his compensation and to provide that all laws or parts of laws, both general and special, in conflict with the provisions of this Act be, and the same are hereby repealed, and to provide when said Act shall go into effect.

Also:

H. 290. To permit moving picture shows on Sunday, whether admission is charged therefor or not, in the City of Guntersville, Alabama, and within the police jurisdiction thereof.

Also:

H. 291. To alter the corporate limits of the City of Guntersville, Marshall County, Alabama, and to rearrange and define the boundaries thereof:

Also:

H. 293. To Authorize and Empower the Board of Revenue of Shelby County, Alabama, to use so much of the funds derived from the excise tax on gasoline, or other liquid motor fuels, levied under the Act of the Legislature of Alabama, and entitled, "An Act to Provide for the General Revenue of the State of Alabama", and as further provided for in Article 8, Chapter 4, and by Schedule 156.1 of said Act, "imposing an excise tax on every distributor, refiner, retail dealer, or storer of gasoline,—providing for the collection and payment of such tax and the distribution of the funds derived therefrom, and fixing the penalties for the violation of any provisions thereof", which is to be paid to Shelby County, Alabama, under the provision of Schedule 156.9, as provided for in Article 8, Chapter 4, of an Act of the Legislature of Alabama, approved July 10th, 1935, and entitled, "An Act to Provide for the General Revenue of the State of Alabama", being House Bill No. 324, for the purpose of paying the compensation of such members of the Board of Revenue of Shelby County, Alabama, while acting as road supervisors in said County for their respective districts, as now provided by law, and to authorize the County Treasurer of Shelby County, Alabama, to immediately upon the passage and approval of this Act to set aside a sufficient sum of said gas tax to be used for the payment of the compensation provided for in Section 1 of this Act.

Also:

H. 296. To establish a Court of County Commissioners for Marshall County, Alabama, in lieu of the Board of Revenue as now provided by law for said County; to fix the number of members thereof, and to prescribe the districts of said Court, to provide for the appointment and election of the members of said Court, to fix their duties, powers, compensation and terms of office; to provide that the Judge of Probate of Marshall County, Alabama, shall be Ex-Officio Judge and Chairman of said Court; to fix his powers, duties and compensation, and provide for its payment and provide that all laws and parts of laws, both general and special, in conflict with the provisions of this Act be, and the same are hereby repealed, and to provide when said Act shall go into effect.

Also:

H. 301. For the relief of Thomas W. Jones, formerly Probate Judge of Madison County, Alabama.

Also:

H. 302. To amend an Act entitled an Act, To fix the salary of the Judge of Probate in all counties in this State which may hereafter have a population of seventy-five thousand people and less than one hundred thousand people according to the last Federal census or any such census which may hereafter be taken and to regulate the payment of same; to provide for the selection of clerical help and other assistance to said Judges of Probate and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such Judge of Probate, and to provide for an election clerk to be appointed by said Judges of Probate, who shall also be ex-officio clerk of the Board of Registrars in said counties, define his duties and fix his compensation; and to require all of said Judges of Probate to pay into the County Treasury of said counties all costs, charges and courts, fees and commissions authorized by law to be collected by said Judges of Probate as other moneys belonging to said counties are paid.

Dan Gullett Cook,
Chairman.

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in the House amendment to the bill:

S. 63. To regulate the sale, transfer and possession of certain types of firearms; to provide for the licensing of dealers and owners of such firearms; to fix rules of evidence in the Courts of this State in prosecutions for violations of this Act; to prescribe penalties for the violations of any provision herein and to make uniform the law with reference thereto.

J. E. Speight,

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following bills and sends same herewith to the House without engrossment:

By Mr. Simpson:

S. 140. To create and establish in each city of the State of Alabama which has a population of 100,000 or more people, according to the last Federal Census, or which may hereafter have a population of 100,000 or more people, according to any subsequent Federal Census, a city wide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or part from the public funds of such cities; to create a Citizens Supervisory Commission and to create a Personnel Board and other agencies for the supervision and administration of said system in each of such cities; to define the scope and extent of said system and the powers, duties and authority of said Commission, Board and other agencies; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such Personnel; to provide for payment of the expenses of each such agency; to provide penalties for the violation of this Act and of rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provision hereof.

Also:

By Mr. Rogers of Mobile:

S. 141. To require all Sheriffs, who are not on a salary exclusively, but who receive fees or part fees for their services and compensations, to file monthly itemized statements, under oath, with the treasurer, or such other corresponding officer, in their respective counties, showing monies received and expended by said officers in their respective offices, and departments, in all counties of the State of Alabama, having a population of not less than one hundred thousand and not exceeding two hundred and fifty thousand according to the last, or any subsequent Federal census; and to provide penalties for failure to file such reports.

Also:

By Mr. Mooneyham:

S. 143. To authorize and require the Board of Education in any County in the State of not less than 75,000 nor more than 100,000 population according to the last or any succeeding Federal Census to provide a pension or retirement allowance for teachers who have served in the Public Schools of such County.

Also:

By Mr. Woodall:

S. 148. To ratify and approve the payment of \$171.71 that was made by the Treasurer of Elmore County, Alabama to the South-

ern Bell Telephone and Telegraph Company, Incorporated, upon warrants drawn on claims that were approved by the Court of County Commissioners of said County for a telephone for the office of the County or Deputy Solicitor of said County during the time between the dates of January 15, 1928 and January 15, 1934, both inclusive. Said sum of \$171.71 having been paid as aforesaid under and by virtue of an Act of the Legislature of Alabama, entitled "An Act to amend an Act "To authorize the Court of County Commissioners, the Board of Revenue and Road Commissioners, or like body, in each County in the State to provide telephones for the office of clerks and registers of the circuit courts, the office of the sheriff, the office of the jailer, and the judge of probate of their respective counties," approved September 25, 1919", General Acts of Alabama of 1927, page 218, which said Act having heretofore been declared invalid by the Attorney General of Alabama, as to the payment of said sum.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA, }
ELMORE COUNTY. }

Before me, Gertrude McGehee, Notary Public in and for said County in said State personally appeared Winton W. Bateman who is known to me and who being by me first duly sworn deposes and says as follows:

That the Wetumpka Herald is a newspaper that is published weekly in Wetumpka, Elmore County, Alabama, that said newspaper is published on Friday of each week, that he is Business Manager of said newspaper and is in active management of same, that the following notice, to-wit:

LEGAL NOTICE

State of Alabama, Elmore County.

Notice is hereby given of the intention to apply (and that application will be made) to the Legislature of Alabama during its Special Session of the year 1936 for passage and making into law of the following Bill, to-wit:

A BILL TO BE ENTITLED AN ACT

To ratify and approve the payment of \$171.71 that was made by the Treasurer of Elmore County, Alabama to the Southern Bell Telephone and Telegraph Company, Incorporated, upon warrants drawn on claims that were approved by the Court of County Commissioners of said County for a telephone for the office of the County or Deputy Solicitor of said County during the time between the dates of January 15, 1928 and January 15, 1934, both inclusive. Said sum of \$171.71 having been paid as aforesaid under and by virtue of an Act of the Legislature of Alabama, entitled "An Act To amend an Act "To authorize the Court of County Commissioners, the Board of Revenue and Road Commissioners, or like body, in each County in the State to provide telephones for the offices of clerks and registers of the circuit courts, the office of the sheriff, the office of the jailer, and the judge of probate of their respective counties," approved September 25, 1919", General

Acts of Alabama of 1927, page 218, which said Act having heretofore been declared invalid by the Attorney General of Alabama, as to the payment of said sum.

Whereas the County Treasurer of Elmore County, Alabama has paid to the Southern Bell Telephone and Telegraph Company, Incorporated, on warrants drawn upon claims that were approved by the Court of County Commissioners of said County the sum of \$171.71 for a telephone for the office of County or Deputy Solicitor of said County for the time between the dates of January 15, 1928 and January 15, 1934, both inclusive, and

Whereas said claims were approved by said Court of County Commissioners and said warrants were drawn under and by virtue of an Act of the Legislature of Alabama, entitled "An Act to amend an Act "To authorize the Court of County Commissioners, the Board of Revenue and Road Commissioners, or like body, in each County in the State to provide telephones for the offices of clerks and registers of the circuit courts, the office of the sheriff, the office of the jailer, and the judge of probate of their respective counties," approved September 25, 1919", and said Act has been heretofore declared invalid by the Attorney General of Alabama as to said payment of said sum of \$171.71, and

Whereas the purpose of this Act is to approve, ratify and make legal said payment of said sum.

Therefore, be it enacted by the Legislature of Alabama:

Section 1. That the payment of \$171.71 that was made by the Treasurer of Elmore County, Alabama to the Southern Bell Telephone and Telegraph Company, Incorporated, for a telephone for the office of County or Deputy Solicitor of said County for the time between the dates of January 15, 1928 and January 15, 1934, both inclusive, on warrants that were drawn upon claims that were approved by the Court of County Commissioners of said County under and by virtue of An Act entitled, "An Act to amend an Act "To authorize the Court of County Commissioners, the Board of Revenue and Road Commissioners, or like body, in each County in the State to provide telephones for the offices of clerks and registers of the circuit courts, the office of the sheriff, the office of the jailer, and the judge of probate of their respective counties," approved September 25, 1919", General Acts of Alabama of 1927, page 218, which has been heretofore declared invalid by the Attorney General of Alabama as to said payment, be and hereby is ratified and approved, and declared and made in all things legal and according to law.

Section 2. That all laws and parts of laws, whether general or special, that are in any way in conflict with the provisions of this Act are hereby expressly repealed.

Section 3. That if any provision of this Act is by any Court declared invalid none of the remaining provisions shall be affected thereby.

Section 4. That the provisions of this Act shall become and be effective as law immediately upon approval by the Governor.

was recently published in said newspaper once a week for four consecutive weeks, that said notice appeared in the issues of said newspaper that were published on February 21, 1936, February 28, 1936, March 6, 1936 and March 13, 1936, and that he has authority to make this affidavit and that the statements contained herein are true.

Winton W. Bateman.

Sworn and subscribed to before me on this the 19th day of March, 1936, and in witness whereof I have hereunto set my hand and official seal.

Gertrude McGehee,

(Seal)

Notary Public, Elmore County, Ala.

Also:

By Mr. Fletcher:

S. 150. For the relief of W. E. Butler, Probate Judge of Madison County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE IS HEREBY GIVEN THAT APPLICATION WILL BE MADE TO THE LEGISLATURE OF ALABAMA at its present session for the passage of a local Act, in substance as follows:

AN ACT

FOR THE RELIEF OF W. E. BUTLER, PROBATE JUDGE OF MADISON COUNTY, ALABAMA.

WHEREAS, by an Act of the Legislature of Alabama, approved February 17, 1885, (General Acts 1884-85, pages 591-5), fees and compensation for Judges of Probate for Madison County were fixed and specified;

AND WHEREAS, thereafter Article 24 of the Constitution of Alabama was amended and the amendment duly ratified on the 18th day of July, 1933, and proclaimed by the Governor on August 2, 1933;

AND WHEREAS, by the terms of said constitutional amendment and of an Act of the Legislature of Alabama approved September 9, 1935, the maximum salary, fees, compensation, or amount due public officers, including Judges of Probate, were fixed and limited, and such officers are required by said constitutional amendment and statute to pay over to the County all sums received by them in excess of the maximum permitted to be received, and the reasonable expenses of conducting the office;

AND WHEREAS, W. E. Butler, Probate Judge of Madison County, during that portion of his term from January 15, 1935, thru September 30, 1935, followed the custom of his predecessors in office and collected and received fees, commissions and compensation for the services specified in said Act of the Legislature of Alabama, approved February 17, 1885, in accordance with the schedule of fees and compensation as provided in said Act, and in amounts less than is provided by General Law of Alabama;

NOW, THEREFORE, BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section I. That the collection of fees and compensation, by the said W. E. Butler, as Probate Judge of Madison County, for services rendered by him as such Probate Judge, during said period from January 15, 1935 thru September 30, 1935, inclusive, in accordance with the provisions of said Act of the Legislature of Alabama, approved February 17, 1885, be and the same is hereby ratified and validated, and the said W. E. Butler, is hereby released and discharged from any and all liability to Madison County on account of having collected and received fees and compensation during said period from January 15, 1935 thru September 30, 1935, inclusive, in accordance with the provisions of the aforesaid Act, approved February 17, 1885, instead of in accordance with the schedule of fees and compensation for Probate Judges, as set out in the general laws of Alabama, and is hereby relieved from the duty of accounting to Madison County for the period from January 15, 1935, thru September 30, 1935, inclusive, for the difference in specific items of fees for services set out in the said Act approved February 17, 1885, and the fees for such services provided by the General Laws of Alabama for Probate Judges.

Section II. This Act shall go into effect immediately upon its approval by the Governor.

STATE OF ALABAMA, }
 MADISON COUNTY. }

Before me, W. P. Nicholson, a notary public in and for said state and county this day personally appeared Jack Langhorne, business manager of The Huntsville Times, a newspaper of general circulation published in Huntsville, Madison County, Alabama; that the attached notice of local bill to be introduced for passage in the Legislature of Alabama was published in said newspaper once a week for four consecutive weeks, on February 20, 1936, February 27, 1936, March 5, 1936, and March 12, 1936.

Jack Langhorne,
 Business Manager.

Sworn to and subscribed before me this the 12th day of March, 1936.

W. P. Nicholson,
 Notary Public.

J. E. Speight,
 Secretary.

SENATE MESSAGE

The Senate Bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally ready one time and referred to appropriate standing committees as follows:

Local Legislation No. Two—S. 140.

Local Legislation No. One—S. 141, S. 143, S. 148, S. 150.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following bill and sends same herewith to the House without engrossment:

By Mr. Simpson:

S. 124. To amend Section 31 of an Act entitled "An Act to authorize any county, city or incorporated town of the State of Alabama, subject to the limitations herein stated, to purchase or construct a waterworks system, water supply system, sewer system, sanitary disposal equipment and appliances, or gas system, and in furtherance thereof to purchase or construct any necessary part of any such system either within or without the limits of such county, city or incorporated town, as the case may be; and to authorize any county, city or incorporated town of the State of Alabama now or hereafter owning and operating any such system to improve, enlarge, extend or repair the same; and for any such purpose or purposes to authorize any such county, city or incorporated town to issue revenue bonds payable solely from the revenues derived from the operation of any such system or systems; to regulate the issuance, sale, retirement, and refunding of such bonds, and of other matters in connection therewith; to regulate the use of the revenues of such system or systems when such bonds are

issued or outstanding; to provide for the operation of any such system or systems in case of deficiencies in such revenues; to confer upon the State Board of Health certain powers with reference to any such sewer system; and for other purposes", approved March 29, 1933, as amended, so as to permit the redemption of bonds with or without a premium, and so as to delete a portion of said section.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate Bill, S. 124, the title to which is set out in the above and foregoing Message from the Senate, was read one time and referred to the Standing Committee on Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 70. To Amend Section 4589 of the 1923 Code of Alabama. Relates to a second or subsequent premium on insurance policies.

J. E. Speight,
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bills, and returns same herewith to the House:

H. 241. To create and establish a Board of Finance and Control in and for Cullman County, Alabama, to be composed of five members, one of whom shall be Chairman of said Board; to fix the qualifications of the Chairman and other members of the said Board; to abolish the Court of County Commissioners of Cullman County, Alabama; to designate the manner of constituting, selecting and appointing the first Board to hold office hereunder, and providing for the appointment of the first Chairman of the said Board by the Governor; to fix the term of office of the first Board holding office hereunder, and their successors in office; to provide for filling vacancies therein, to require the members elected, chosen or appointed hereunder to take the oath of office and give bond; to define the powers and duties of the said Board; to fix the com-

pensation of the members hereof; to confer upon said Board all the jurisdiction, powers and authority that is now or may hereafter be granted by law to Courts of County Commissioners, Boards of Revenue, or other governing bodies of like name and authority in this state; to require the said Board of Finance and Control to employ a Clerk and a Supervisor of Roads and Bridges for the county, and to fix the duties, qualifications and compensations of such Clerk and Supervisor of Roads and Bridges, providing the manner of their payment, and to repeal all laws and parts of laws in conflict with the provisions of this Act; particularly and expressly repealing any and all laws constituting the Judge of Probate as principal judge and member of the Court of County Commissioners, granting judicial power, requiring reports from courts of said county, providing meeting place and time of meeting of said Board.

To provide for the election of all members of said Board at the expiration of the term of office of the first Board constituted hereunder.

Also:

H. 176. To amend Section 1 of an act entitled "An Act to authorize the Court of County Commissioners of Limestone County, Alabama, to levy a tax or privilege license on all persons selling, or keeping in storage for sale, gasoline, Woco Pep, or any motor fuel used by self propelled vehicles, and to provide rules, regulations and machinery for the collection thereof; and to provide penalties for the violation of such rules and regulations".

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Robertson (Cullman), the House non-concurred in the Senate amendment to the bill, H. 241, said Senate amendment being as follows:

That Section 26 of House Bill No. 241 be amended so as to read as follows:

Section 26. Provided that this act shall not become effective until thirty (30) days after the voters of Cullman County, Alabama, have voted to come under this Act in an election which is hereby called to be held on May 5, 1936, or at a subsequent general election, conducted in all respects as the general elections in this State are conducted, and, at which all legal voters in said county may participate. If a majority of the legal voters do not elect to put this Act into operation at said first election provided

above, one hundred qualified electors of said county may petition the Probate Judge of said county to be allowed electors of said county to again vote on putting this Act into effect. Upon the filing of such petition signed by the required number of legal voters the Probate Judge shall have authority and it shall be his duty to call such election and again submit this election to the electorate of said county. On the ballot to be used in said election there shall be printed the following words:

Place an X opposite the words indicating your choice).

-----For Proposed Board of Finance and Control.

-----Against Proposed Board of Finance and Control.

And requested a Committee of Conference. The Speaker appointed as conferees on part of the House Messrs. Robertson (Cullman), Dominick and Lusk.

On motion of Speaker Walker the House concurred in and adopted the Senate amendment to the bill, H. 176, said Senate amendment being as follows:

A BILL

To be entitled an Act to amend Section 1 of an act entitled "An Act to authorize the Court of County Commissioners of Limestone County, Alabama, to levy a tax or privilege license on all persons selling, or keeping in storage for sale, gasoline, Woco Pep, or any other motor fuel used by self propelled vehicles, and to provide rules, regulations and machinery for the collection thereof; and to provide penalties for the violation of such rules and regulations," approved August 5, 1927.

Be it enacted by the Legislature of Alabama:

That Section 1 of an act entitled "An Act to authorize the Court of County Commissioners of Limestone County, Alabama, to levy a tax or privilege license on all persons selling, or keeping in storage for sale, gasoline, Woco Pep, or any other motor fuel used by self propelled vehicles, and to provide rules, regulations and machinery for the collection thereof; and to provide penalties for the violation of such rules and regulations" be and the same is hereby amended to read as follows:

"Section 1. That the Court of County Commissioners of Limestone County, Alabama, may, for the purpose of constructing and maintaining public roads, bridges and ferries in Limestone County, Alabama, impose a tax on gasoline, Woco-Pep, or any other motor fuel used by self propelled vehicles sold in the county, or stored in the county for sale, not to exceed three cents (3c) per gallon; or may impose and collect a privilege license or tax of not more than 3c per gallon on all gasoline, Woco-Pep, or any other

motor fuel used by self propelled vehicles and sold in said county, or stored in said county for sale, for the privilege of selling the same. However, provided, such tax or privilege license shall not be imposed by said Court of County Commissioners after January 1, 1937, unless the governing body of said County is directed to do so by a majority of the votes cast at a referendum held on said subject, which referendum the said governing body is hereby authorized and directed to call on the 3rd day of November, 1936."

Section 2. That the said referendum shall be held by the officers appointed to hold the general election in November, 1936 and the said referendum shall be conducted as are general elections in this state. Returns of said election shall be delivered by the returning officers to the chairman of the said board of revenue who with the commissioners shall canvas said returns on the Thursday succeeding the said general election and shall announce result of said referendum.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Davis	Lusk	Sightler
Adams	Delony	Merrill	Spence
Almon	Dominick	Miles	Steele
Arnold	Doster	Miller	Street
Austin	Glover	Moore	Taylor
Blann	Goodwyn	O'Neal	Terry
Boswell	Haley	Petrey	Tidmore
Bridges	Hall	Poole	Todd
Britton	Hare	Propst	Tolbert
Bulger	Hodges	Quarles	Toomer
Burleson	Hollis	Rayburn	Waldrep
Byars	Jones	Reeder	Wallace
Calhoun	Kelly	Reid	Welch
Carter	Kirby	Sanderson	Whigham
Connor	Langdon	Shaver	Williams
Cook	Livingston	Shipman	Wright
Cox	Long		

—66

RESOLUTIONS

Mr. Jones offered the following resolution:

By Mr. Jones:

H. R. 36. Be it resolved that House Bills 327, 329, 330 and 331 be made special, paramount and continuing orders of business for the next Legislative day.

And the resolution was referred to the Standing Committee on Rules.

Mr. Denson offered the following Resolution:

By Mr. Denson:

H. R. 37. Be it resolved that the following bills be and the same are hereby made special, paramount and continuous order of business for the 19th Legislative day and thereafter until the same are disposed of, to-wit:

Senate Bill 65. (Known as the School Warrant Code).

Senate Bill 76. (Making partial settlements of administrators, executors, guardians, etc., final, under conditions set forth)

House Bills Nos. 345, 346, & 347, (amending the present law to increase number of volumes of court reports, Journals of Senate and House and Acts of Legislature to be sent to Law School at Tuscaloosa.)

And the resolution was referred to the Standing Committee on Rules.

BILLS ON THIRD READING

S. 127. To regulate the office of the sheriff of Tuscaloosa County, Alabama; to exempt the sheriff of said County from court costs; to fix the compensation or salary to be paid the sheriff of Tuscaloosa County, Alabama, and to regulate the payment of the same; to fix the number and compensation of the sheriff's deputies, guards, jailers, and other employees of the sheriff; to require the deputy sheriffs and special deputy sheriffs of said sheriff to execute official bonds conditioned, payable and approved as the bond of the sheriff; to exempt the sheriff of said County from liability for the acts of the deputies, except in certain cases; to provide for the appointment and compensation of special deputies; to provide for the payment of the premium on the sheriff's and all deputies' bonds out of the County Treasury; to provide that all fees, charges and commissions taxable and collected as sheriff's fees, charges or commissions be paid into the County Treasury, including fees for feeding prisoners, to be paid into the general fund of said County; to provide for the payment of the expenses of the office of said sheriff, including the costs of supplying and maintaining automobiles used by said sheriff in his official business, and authorizing the Board of Revenue to appropriate the necessary money for such expenses, and to regulate the expenditure of same; authorizing the sheriff of said County to employ an attorney to advise and represent him, whose compensation is to be fixed by the Board of Revenue and paid out of the County Treasury; abolishing in so far as it relates to Tuscaloosa County, Alabama, sheriff's fees provided for in Section 6717 of the

Code of Alabama, 1923, and providing that the sheriff of said County shall furnish bailiffs required in Section 6716 of the Code of Alabama, 1923; to provide that said County shall not be liable for the acts or omissions of said sheriff or any of his deputies, guards, jailers or other employees; to repeal all laws and parts of laws which, as applied to Tuscaloosa County, Alabama, are in conflict with the provisions of said Act; and providing when and how said Act shall become effective.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Davis	Lusk	Sightler
Adams	Delony	Merrill	Spence
Almon	Dominick	Miles	Steele
Arnold	Doster	Miller	Street
Austin	Glover	Moore	Taylor
Blann	Goodwyn	O'Neal	Terry
Boswell	Haley	Petrey	Tidmore
Bridges	Hall	Poole	Todd
Britton	Hare	Propst	Tolbert
Bulger	Hodges	Quarles	Toomer
Burleson	Hollis	Rayburn	Waldrep
Byars	Jones	Reeder	Wallace
Calhoun	Kelly	Reid	Welch
Carter	Kirby	Sanderson	Whigham
Connor	Langdon	Shaver	Williams
Cook	Livingston	Shipman	Wright
Cox	Long		

—66

H. 303. To provide for the transfer of all cases pending on the docket of the inferior Court in precinct No. 10, Morgan County, Alabama, prior to June 15, 1935, to the Justice Courts in and for precinct 10 of Morgan County, Alabama; and to further provide for the issuance of writs of execution, writs of venditioni exponas and other processes on judgments rendered by the inferior Court in precinct No. 10, Morgan County, Alabama, June 15, 1935.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Bridges	Connor	Glover
Adams	Britton	Cook	Goodwyn
Almon	Bulger	Cox	Haley
Arnold	Burleson	Davis	Hall
Austin	Byars	Delony	Hare
Blann	Calhoun	Dominick	Hodges
Boswell	Carter	Doster	Hollis

Jones	Moore	Shaver	Todd
Kelly	O'Neal	Shipman	Tolbert
Kirby	Petrey	Sightler	Toomer
Langdon	Poole	Spence	Waldrep
Livingston	Propst	Steele	Wallace
Long	Quarles	Street	Welch
Lusk	Rayburn	Taylor	Whigham
Merrill	Reeder	Terry	Williams
Miles	Reid	Tidmore	Wright
Miller	Sanderson		

—66

On motion of Messrs. Almon and Burleson the bill, H. 303, was ordered sent forthwith to the Senate without engrossment.

H. 304. To relieve all persons in Morgan County, Alabama, of any legal obligation to work on the public roads in said County, or to pay any money in lieu of such obligation, to work on the public roads in Morgan County, Alabama.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Davis	Lusk	Sightler
Adams	Delony	Merrill	Spence
Almon	Dominick	Miles	Steele
Arnold	Doster	Miller	Street
Austin	Glover	Moore	Taylor
Blann	Goodwyn	O'Neal	Terry
Boswell	Haley	Petrey	Tidmore
Bridges	Hall	Poole	Todd
Britton	Hare	Propst	Tolbert
Bulger	Hodges	Quarles	Toomer
Burleson	Hollis	Rayburn	Waldrep
Byars	Jones	Reeder	Wallace
Calhoun	Kelly	Reid	Welch
Carter	Kirby	Sanderson	Whigham
Connor	Langdon	Shaver	Williams
Cook	Livingston	Shipman	Wright
Cox	Long		

—66

On motion of Messrs. Almon and Burleson the bill, H. 304 was ordered sent forthwith to the Senate without engrossment.

H. 369. To amend Section Two of an Act of the Local Legislature of 1931 to provide for the election of a County Superintendent of Education for Geneva County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers, and duties, and to provide for the election of his successor in office.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

*Yeas:**Messrs.:*

Mr. Speaker

Adams

Almon

Arnold

Austin

Blann

Boswell

Bridges

Britton

Bulger

Burleson

Byars

Calhoun

Carter

Connor

Cook

Cox

Davis

Delony

Dominick

Doster

Glover

Goodwyn

Haley

Hall

Hare

Hodges

Hollis

Jones

Kelly

Kirby

Langdon

Livingston

Long

Lusk

Merrill

Miles

Miller

Moore

O'Neal

Petrey

Poole

Propst

Quarles

Rayburn

Reeder

Reid

Sanderson

Shaver

Shipman

Sightler

Spence

Steele

Street

Taylor

Terry

Tidmore

Todd

Tolbert

Toomer

Waldrep

Wallace

Welch

Whigham

Williams

Wright

—66

On motion of Mr. Boswell the bill, H. 369 was ordered sent forthwith to the Senate without engrossment.

BILL INDEFINITELY POSTPONED

On motion of Mr. Castleberry H. 139 was indefinitely postponed.

RECONSIDERATION OF BILL

On motion of Mr. Poole the vote by which the bill:

S. 62. To declare the public policy of the State as to the control, elimination and prevention of increase of wet, swamp or overflow lands as affecting the public health, general welfare or public convenience or in aid of agriculture; to create each County of the State a drainage district for the purpose of this Act; to provide for the establishment and development of drainage subdistricts; to provide for or assist land owners in providing for, the prevention, elimination, or control of overflow waters, wet, swamp and overflow lands through the control of surface waters and soil erosion by means of drainage, ditching or terracing as related to said declared policy; to provide for the creation of County Boards of Drainage Commissioners; to provide general powers of the County Board of Revenue or Commissioners necessary to carry out the purposes of this Act; to provide for the assessment and collection of costs and expenses of establishing proper control of surface waters upon agricultural lands of this State; to promote, aid and assist the purposes of drainage districts organized under the "Ala-

bama Drainage Law"; to confer the right of eminent domain to the extent necessary to carry into effect the purposes of this Act; and to provide for the repeal of laws in conflict with this Act in so far as they affect the operations of this Act.

Was defeated on the last Legislative Day was reconsidered.

Yeas, 56; Nays, 16.

Yeas:

Messrs.:

Almon	Cox	Livingston	Propst
Austin	Delony	Lusk	Rayburn
Braswell	Denson	Matthews	Reeder
Bridges	De Vane	Merrill	Reid
Britton	Dominick	Miles	Robertson (Cullman)
Bulger	Glover	Miller	Shaver
Burleson	Goolsby	Moore	Sparks (Walker)
Byars	Hamner	McDermott	Spence
Calhoun	Hendley	Norman (Bullock)	Tidmore
Carter	Hodges	Norman (Lowndes)	Todd
Castleberry	Hollis	Owens (Madison)	Tolbert
Chichester	Jones	Parish (Henry)	Toomer
Connor	Kelly	Poole	Wallace
Cook	Kirby	Posey (Walker)	Welch

—56

Nays:

Messrs.:

Bateman	O'Neal	Sanderson	Waldrep
Haley	Parish (Pike)	Shipman	Whigham
Hall	Quarles	Sightler	Williams
Long	Reynolds	Tompkins	Wright

—16

And the bill, S. 62, was returned to the Calendar of the House.

BILLS ON THIRD READING

H. 145. To authorize by law, members of Board of Revenue, County Commissioners or like officers, of all counties in Alabama, with a population according to the last Federal Census, or any subsequent Federal Census of not less than 45,500 and not more than 55,000, may charge and collect five cents per mile for all mileage made by the hereinbefore named officers, while in the discharge of their official duties, to defray the expenses of their transportation, including use of automobiles, gas and oil, but in no event shall any officer above named exceed 300 miles any one month for which the respective counties will be liable for said charge; this Act not to apply to any counties now having a charge for road services or which may hereafter have charge for said service; said charge to be paid out of any funds available for said counties effected, and to be paid by warrant drawn by chairman of Board of

Revenue, County Commissioners or like officers for said counties, and only after claim for mileage charge has been passed and approved by said Board having charge of the same.

Was taken up. Mr. Calhoun offered the following substitute for the bill, H. 145:

Substitute for H. 145, by Mr. Calhoun:

A BILL

To be entitled an Act to authorize by law, members of Board of Revenue, County Commissioners or like officers, of all counties in Alabama, with a population according to the last Federal Census, of not less than 45,000 and not more than 54,000 may charge and collect five cents per mile for all mileage made by the hereinabove named officers, while in the discharge of their official duties, to defray the expenses of their transportation, including use of automobiles, gas and oil, but in no event shall any officer above named exceed 300 miles any one month for which the respective counties will be liable for said charge; this Act not to apply to any counties now having a charge for road service or which may hereafter have charge for said service; said charge to be paid out of any funds available for said counties effected, and to be paid by warrant drawn by chairman of Board of Revenue, County Commissioners or like officers for said counties.

Be it enacted by the Legislature of Alabama:

Section 1. That members of Board of Revenue, County Commissioners or like officers, in all counties in Alabama with a population according to the last Federal Census of not less than 45,000 and not more than 54,000, may charge and collect five cents per mile for all mileage made by the hereinbefore named officers, while in the discharge of their official duties to defray the expenses of their transportation including the use of automobiles, gas and oil, and in no event shall any officer above named exceed 300 miles for any one month for which the respective counties will be liable for said charge.

Section 2. This act does not apply and will not apply to any county now having a charge for road service, or which may hereafter have a charge for such service.

Section 3. Said mileage charge is to be paid out of any funds available for said counties effected, and is to be paid by warrant drawn by the chairman of Board of Revenue, County Commissioners or like officers for said counties.

Section 4. This Act shall become effective immediately upon its approval by the Governor of the State of Alabama.

And the substitute was adopted.

Yeas, 60; Nays, 0.

Yeas:

Messrs.:

Almon	Glover	Norman (Bullock)	Shaver
Bateman	Hall	Norman (Lowndes)	Shipman
Boswell	Hamner	Owens (Madison)	Sightler
Bridges	Hanks	Parish (Henry)	Spence
Britton	Hendley	Parish (Pike)	Steele
Bulger	Hodges	Petrey	Street
Burleson	Hollis	Posey (Walker)	Taylor
Calhoun	Jones	Propst	Tidmore
Carter	Langdon	Quarles	Tolbert
Castleberry	Livingston	Rayburn	Tompkins
Cook	Lusk	Reeder	Wallace
Cox	Matthews	Reid	Welch
Delony	Merrill	Reynolds	Whigham
Denson	Miller	Robinson (Lowndes)	Williams
Dominick	Moore	Sanderson	Wright

—60

And the bill:

H. 145. To authorize by law, members of Board of Revenue, County Commissioners or like officers, of all counties in Alabama, with a population according to the last Federal Census, or any subsequent Federal Census of not less than 45,500 and not more than 55,000, may charge and collect five cents per mile for all mileage made by the hereinbefore named officers, while in the discharge of their official duties, to defray the expenses of their transportation, including use of automobiles, gas and oil, but in no event shall any officer above named exceed 300 miles any one month for which the respective counties will be liable for said charge; this Act not to apply to any counties now having a charge for road services or which may hereafter have charge for said service; said charge to be paid out of any funds available for said counties effected, and to be paid by warrant drawn by chairman of Board of Revenue, County Commissioners or like officers for said counties, and only after claim for mileage charge has been passed and approved by said Board having charge of the same.

As amended by the substitute, was read a third time at length and passed by a two-thirds majority of the House.

Yeas 58; Nays, 2.

Yeas:

Messrs.:

Almon	Calhoun	Denson	Hollis
Boswell	Carter	Dominick	Jones
Bridges	Castleberry	Hall	Langdon
Britton	Chichester	Hamner	Livingston
Bulger	Cook	Hanks	Lusk
Burleson	Cox	Hendley	Matthews
Byars	Delony	Hodges	Merrill

Moore	Quarles	Shipman	Tidmore
Norman (Lowndes)	Rayburn	Sightler	Tolbert
O'Neal	Reeder	Sparks (Walker)	Tompkins
Owens (Madison)	Reid	Spence	Wallace
Parish (Henry)	Reynolds	Steele	Welch
Parish (Pike)	Robertson (Cullman)	Street	Williams
Posey (Walker)	Robinson (Lowndes)	Taylor	Wright
Propst	Sanderson		

—58

Nays:

Messrs. Braswell and Petrey

— 2

H. 164. A bill to be entitled an Act to provide for and submit to the qualified electors of the State of Alabama at an election to be held on the first Tuesday after the first Monday November 1936, of the present session of the Legislature, an amendment to the Constitution of Alabama to be as follows: "Section 178 (one hundred, seventy-eight) in Article VIII of the Constitution of Alabama of 1901, shall be amended so that the same shall read as follows: Section 178. To entitle a person to vote at any election by the people, he shall have resided in the State at least two years, in the county one year, and in the precinct or ward three months, immediately preceding the election at which he offers to vote, and he shall have been duly registered as an elector, and shall have paid on or before the first day of February next preceding the date of the election at which he offers to vote, all poll taxes due from him for the year nineteen hundred and thirty-three, and for each subsequent year, provided, that any elector who, within three months next preceding the date of the election at which he offers to vote, has removed from one precinct or ward to another precinct or ward in the same county, incorporated town, or city, shall have the right to vote in the precinct or ward from which he has so removed, if he would have been entitled to vote in such precinct or ward but for such removal. Nothing herein contained shall change, alter or abrogate the provisions of Amendment X Section 194½ to the Constitution of Alabama, but said Amendment shall continue in full force and effect."

Be it enacted by the Legislature of Alabama:

SECTION 1. The following amendment to the Constitution of Alabama is hereby proposed and an election by the qualified electors of the State of Alabama is hereby ordered upon such proposed amendment, and the date appointed for such election is the first Tuesday after the first Monday November 1936, at which this amendment is proposed. The proposed amendment is as follows: "Section 178 (one hundred, seventy-eight) in Article VIII of the Constitution of Alabama of 1901, shall be amended so that the same shall read as follows: Section 178. To entitle a person to vote at any election by the people, he shall have resided in the

State at least two years, in the county one year, and in the precinct or ward three months, immediately preceding the election at which he offers to vote, and he shall have been duly registered as an elector, and shall have paid on or before the first day of February next preceding the date of the election at which he offers to vote, all poll taxes due from him for the year nineteen hundred and thirty-three and for each subsequent year, provided, that any elector who, within three months next preceding the date of the election at which he offers to vote, has removed from one precinct or ward to another precinct or ward in the same county, incorporated town, or city, shall have the right to vote in the precinct or ward from which he has so removed, if he would have been entitled to vote in such precinct or ward but for such removal. Nothing herein contained shall change, alter or abrogate the provisions of Amendment X, Section 194½ to the Constitution of Alabama, but said Amendment shall continue in full force and effect."

SECTION 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each county in the State for at least four (4) successive weeks next preceding the day hereby appointed for such election.

SECTION 3. That at the election on the amendment ordered by this Act, the qualified electors of the State of Alabama shall vote upon such proposed amendment, and on the official ballots printed for said election there shall be printed the following: "Section 178 (one hundred, seventy-eight) in Article VIII of the Constitution of Alabama of 1901, shall be amended so that the same shall read as follows: Section 178, To entitle a person to vote at any election by the people, he shall have resided in the State at least two years, in the county one year, and in the precinct or ward three months, immediately preceding the election at which he offers to vote, and he shall have been duly registered as an elector, and shall have paid on or before the first day of February next preceding the date of the election at which he offers to vote, all poll taxes due from him for the year nineteen hundred and thirty-three, and for each subsequent year, provided, that any elector who, within three months next preceding the date of the election at which he offers to vote, has removed from one precinct or ward to another precinct or ward in the same county, incorporated town, or city, shall have the right to vote in the precinct or ward from which he has so removed, if he would have been entitled to vote in such precinct or ward but for such removal. Nothing herein contained shall change, alter or abrogate the provisions of Amend-

ment X Section 194½ to the Constitution of Alabama, but said Amendment shall continue in full force and effect.

Yes.....

No.....”

SECTION 4. That the votes cast in said election shall be counted, canvassed, tabulated and return made to the Secretary of State in the same manner as provided in elections for Representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such Amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

SECTION 5. Officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the Election Laws of the State for the appointment of officers to hold general elections in this State, and the election shall be held in all things in accordance with this Act, the law governing General Election, and the Constitutional provisions concerning amendments to the Constitution; the expenses of the election, including the cost of the publication of the notice prescribed herein, shall be paid out of the same funds and in the same manner as expenses of General Elections.

Was taken up. Mr. Hare offered the following amendment to the bill, H. 164:

Amend H. 164 by striking the words “duly registered as an elector” as they appear therein in Section 1, line 14, and substituting therefore the words “duly qualified as an elector.”

Amend H. 164, Section 3, line 12, by striking therefrom the words “duly registered as an elector” and substituting therefor the words “duly qualified as an elector”.

On motion of Mr. Arnold the amendment was laid on the table. And the bill:

H. 164. A bill to be entitled an Act to provide for and submit to the qualified electors of the State of Alabama at an election to be held on the first Tuesday after the first Monday November 1936, of the present session of the Legislature, an amendment to the Constitution of Alabama to be as follows: “Section 178 (one hundred, seventy-eight) in Article VIII of the Constitution of Alabama of 1901, shall be amended so that the same shall read as follows: Section 178. To entitle a person to vote at any election by the people, he shall have resided in the State at least two years, in the county one year, and in the precinct or ward three months, immediately preceding the election at which he offers to vote, and he

shall have been duly registered as an elector, and shall have paid on or before the first day of February next preceding the date of the election at which he offers to vote, all poll taxes due from him for the year nineteen hundred and thirty-three, and for each subsequent year, provided, that any elector who, within three months next preceding the date of the election at which he offers to vote, has removed from one precinct or ward to another precinct or ward in the same county, incorporated town, or city, shall have the right to vote in the precinct or ward from which he has so removed, if he would have been entitled to vote in such precinct or ward but for such removal. Nothing herein contained shall change, alter or abrogate the provisions of Amendment X Section 194½ to the Constitution of Alabama, but said Amendment shall continue in full force and effect."

Be it enacted by the Legislature of Alabama:

SECTION 1. The following amendment to the Constitution of Alabama is hereby proposed and an election by the qualified electors of the State of Alabama is hereby ordered upon such proposed amendment, and the date appointed for such election is the first Tuesday after the first Monday November 1936, at which this amendment is proposed. The proposed amendment is as follows: "Section 178 (one hundred, seventy-eight) in Article VIII of the Constitution of Alabama of 1901, shall be amended so that the same shall read as follows: Section 178. To entitle a person to vote at any election by the people, he shall have resided in the State at least two years, in the county one year, and in the precinct or ward three months, immediately preceding the election at which he offers to vote, and he shall have been duly registered as an elector, and shall have paid on or before the first day of February next preceding the date of the election at which he offers to vote, all poll taxes due from him for the year nineteen hundred and thirty-three and for each subsequent year, provided, that any elector who, within three months next preceding the date of the election at which he offers to vote, has removed from one precinct or ward to another precinct or ward in the same county, incorporated town, or city, shall have the right to vote in the precinct or ward from which he has so removed, if he would have been entitled to vote in such precinct or ward but for such removal. Nothing herein contained shall change, alter or abrogate the provisions of Amendment X, Section 194½ to the Constitution of Alabama, but said Amendment shall continue in full force and effect."

SECTION 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each county in the State for at least four (4) suc-

cessive weeks next preceding the day hereby appointed for such election.

SECTION 3. That at the election on the amendment ordered by this Act, the qualified electors of the State of Alabama shall vote upon such proposed amendment, and on the official ballots printed for said election there shall be printed the following: "Section 178 (one hundred, seventy-eight) in Article VIII of the Constitution of Alabama of 1901, shall be amended so that the same shall read as follows: Section 178, To entitle a person to vote at any election by the people, he shall have resided in the State at least two years, in the county one year, and in the precinct or ward three months, immediately preceding the election at which he offers to vote, and he shall have been duly registered as an elector, and shall have paid on or before the first day of February next preceding the date of the election at which he offers to vote, all poll taxes due from him for the year nineteen hundred and thirty-three, and for each subsequent year, provided, that any elector who, within three months next preceding the date of the election at which he offers to vote, has removed from one precinct or ward to another precinct or ward in the same county, incorporated town, or city, shall have the right to vote in the precinct or ward from which he has so removed, if he would have been entitled to vote in such precinct or ward but for such removal. Nothing herein contained shall change, alter or abrogate the provisions of Amendment X Section 194½ to the Constitution of Alabama, but said Amendment shall continue in full force and effect.

Yes.....

No....."

SECTION 4. That the votes cast in said election shall be counted, canvassed, tabulated and return made to the Secretary of State in the same manner as provided in elections for Representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such Amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

SECTION 5. Officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the Election Laws of the State for the appointment of officers to hold general elections in this State, and the election shall be held in all things in accordance with this Act, the law governing General Election, and the Constitutional pro-

visions concerning amendments to the Constitution; the expenses of the election, including the cost of the publication of the notice prescribed herein, shall be paid out of the same funds and in the same manner as expenses of General Elections.

Was read a third time at length and defeated.

Yeas, 58; Nays, 35.

Yeas:

Messrs.:

Mr. Speaker

Adams

Almon

Arnold

Bateman

Boswell

Braswell

Bridges

Britton

Burleson

Byars

Calhoun

Castleberry

Chichester

Connor

Cook

Cox

Delony

Dominick

Douglass

Glover

Goolsby

Hamner

Harrison

Hendley

Henson

Jones

Kelly

Kirby

Langdon

Merrill

Moore

McDermott

O'Neal

Owen (Etowah)

Owens (Madison)

Parish (Henry)

Parish (Pike)

Petrey

Posey (Walker)

Propst

Quarles

Rayburn

Reeder

Reid

Reynolds

Robertson (Cullman)

Sanderson

Shaver

Shipman

Sparks (Walker)

Spence

Todd

Tolbert

Tompkins

Wallace

Williams

Wright

—58

Nays:

Messrs.:

Austin

Blann

Bulger

Carter

Davis

Denson

Doster

Goodwyn

Haley

Hall

Hanks

Hare

Hollis

Lee (Bullock)

Livingston

Long

Lusk

Matthews

Miles

Miller

Norman (Bullock)

Norman (Lowndes)

Poole

Robinson (Lowndes)

Sightler

Sparks (Barbour)

Steele

Street

Taylor

Terry

Tidmore

Toomer

Waldrep

Welch

Whigham

—35

The bill lacked the three-fifths vote required by the Constitution for proposed amendments to the Constitution.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following bill and sends same herewith to the House:

By Mr. Stephens:

S. 125. To amend an Act approved September 14, 1935, entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments

from such funds; to provide eligibility conditions for such benefit; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system and for other purposes"; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act. This Act being approved September 14, 1935.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bill, S. 125, the title to which is set out in the above and foregoing Message from the Senate, was read one time and referred to the Standing Committee on Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate bill, your signature thereto it requested:

S. 63. To regulate the sale, transfer and possession of certain types of firearms; to provide for the licensing of dealers and owners of such firearms; to fix rules of evidence in the Courts of this State in prosecutions for violations of this Act; to prescribe penalties for the violations of any provision herein and to make uniform the law with reference thereto.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing Message from the Senate.

BILLS ON THIRD READING

H. 171. To amend Section 376 of the Code of Alabama of 1923, as amended by an Act of the Legislature of Alabama of 1927 entitled, "An Act to amend Sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923," approved August 20, 1927, as amended by an Act of the Legislature of Alabama of 1932, Extra Session, approved October 4, 1932, entitled, "An Act to amend Section 376 of the Code of Alabama of 1923 as amended by an Act of the Legislature of Alabama, approved August 20, 1927, entitled; 'An Act to amend Sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923,' found on page 274 of the Acts of 1927, as amended by an Act of the Legislature of Alabama of 1935 entitled, "An Act to amend Section 376 of the Code of Alabama of 1923, as amended by an act of the Legislature of Alabama of 1927 entitled, 'An Act to amend sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923,' approved August 20, 1927."

Was taken up. Mr. Waldrep offered the following substitute for the bill, H. 171:

Waldrep substitute for H. 171:

A BILL

To be entitled an Act to amend Section 376 of the Code of Alabama of 1923, as amended by an Act of the Legislature of Alabama of 1927 entitled, "An Act to amend Sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923," approved August 20, 1927, as amended by an Act of the Legislature of Alabama of 1932, Extra Session, approved October 4, 1932, entitled, "An Act to amend Section 376 of the Code of Alabama of 1923 as amended by an Act of the Legislature of Alabama, approved August 20, 1927, entitled: "An Act to amend Sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923,' found on page 274 of the Acts of 1927, as amended by an Act of the Legislature of Alabama of 1935 entitled, "An Act to amend Section 376 of the Code of Alabama of 1933; as amended by an act of the Legislature of Alabama of 1927 entitled, 'An Act to amend sections 375, 376, 387, 392, 393, 402

and 403 of the Code of 1923,' approved August 20, 1927."

Be it enacted by the Legislature of Alabama:

Section 1. That Section 376 of the Code of Alabama of 1923, as amended by an Act of the Legislature of Alabama of 1927 entitled, "An Act to amend Sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923," approved August 20, 1927, as amended by an Act of the Legislature of Alabama of 1923, Extra Session, approved October 4, 1932, entitled, "An Act to amend Section 376 of the Code of Alabama of 1923 as amended by an Act of the Legislature of Alabama, approved August 20, 1927, entitled: 'An Act to amend Sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923,' found on page 274 of the Acts of 1927, as amended by an Act of the Legislature of Alabama of 1935 entitled, "An Act to amend Section 376 of the Code of Alabama of 1923, as amended by an Act of the Legislature of Alabama of 1927 entitled, 'An act to amend Sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923,' approved August 20, 1927, be and the same is hereby amended to read as follows: 376. SPECIAL REGISTRATION. In addition to the regular registration provided in this article, the courts of county commissioners, boards of revenue, county commissioners, or other courts of like jurisdiction of the several counties may make an order requiring the books of registration to be opened for ten working days during the month of January, 1921, and each two years thereafter, and it shall be mandatory for the board of registrars to meet on the first Monday in July, 1936, and each two years thereafter, and remain in session at each of said meetings five days for the purpose of registering voters, and the board shall meet on the first Monday in July, 1937, and each two years thereafter and shall remain in session at each of said meeting for five days for the purpose of registering persons entitled to register, except that in counties having more than 150,000 population, as shown by the last or any subsequent Federal census, it shall be mandatory for the Board of Registrars in said counties having more than 150,000 population, as shown by the last or any subsequent Federal census, in addition to the meetings provided for in Section 375, to meet as follows and for the following purposes: The board shall meet on the second Monday in April, the fourth Monday in June, the first Monday in August, the first Monday in October and the first Monday in December, 1936, and each two years thereafter, and shall remain in session at each of said meeting for ten days for the purpose of registering persons entitled to register; the board shall meet on the First Monday in February, the first Monday in April, the first Monday in June and first Monday in August, 1937, and each two years thereafter, and shall remain in session at each of said meetings for ten days for the

purpose of registering persons entitled to register. Any voters who may become qualified after a qualified voting list has been made and published as now provided for by law during even numbered years may be added to the list of qualified voters by a supplementary list or lists without making a complete new list of qualified voters.

Section 2. That the provisions of this Act shall not affect any counties in which the subject matters of this Act is governed by local law.

Section 3. That all laws and parts of laws, except as otherwise provided herein, in conflict with the provisions of this Act, are hereby expressly repealed.

Section 4. That if any provision of this Act is declared unconstitutional, the validity of the remainder of this Act shall not be affected thereby.

Section 5. That this Act shall take effect immediately upon its approval by the Governor.

Mr. Goodwyn offered the following amendment to the substitute:

Goodwyn Amendment to Substitute for H. 171:

Amend Section 1 of Substitute for House Bill No. 171, by adding, immediately before the words "except that in counties having more than 150,000 population," the following:

"except that in counties having a population of more than 110,000 and not more than 150,000 according to the last or any subsequent Federal census, this act shall not apply, and except in counties having a population of more than 75,000 and less than 100,000 population, according to the last Federal census or any census which may hereafter be taken, it shall be mandatory for the Board of Registrars in said counties, in addition to the meetings provided for in Section 375, to meet for the purpose of registering persons entitled to register on the first Monday in January, 1936, and each two years thereafter, and shall remain in session at each of said meetings for thirty working days, and said Board of Registrars in said counties shall also meet, for the purpose of registering persons entitled to register, on the first Monday in July, 1936, and each two years thereafter, and shall remain in session at each of said meetings for thirty working days, and".

The amendment was adopted and the substitute as amended, was adopted.

Yeas, 72; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Davis	Lusk	Robinson (Lowndes)
Adams	Delony	Matthews	Shaver
Almon	De Vane	Merrill	Shipman
Arnold	Doster	Miller	Sightler
Austin	Douglass	Moore	Sparks (Walker)
Bateman	Glover	McDermott	Spence
Boswell	Goodwyn	Norman (Bullock)	Street
Braswell	Goolsby	Norman (Lowndes)	Taylor
Bridges	Haley	Owen (Etowah)	Todd
Britton	Hall	Owens (Madison)	Tolbert
Burleson	Hanks	Parish (Pike)	Tompkins
Byars	Henson	Poole	Toomer
Calhoun	Hollis	Posey (Walker)	Waldrep
Carter	Jones	Propst	Wallace
Castleberry	Kelly	Quarles	Welch
Chichester	Kirby	Reeder	Whigham
Connor	Langdon	Reid	Williams
Cook	Livingston	Reynolds	Wright

—72

H. 171. To amend Section 376 of the Code of Alabama of 1923, as amended by an Act of the Legislature of Alabama of 1927 entitled, "An Act to amend Sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923," approved August 20, 1927, as amended by an Act of the Legislature of Alabama of 1932, Extra Session, approved October 4, 1932, entitled, "An Act to amend Section 376 of the Code of Alabama of 1923 as amended by an Act of the Legislature of Alabama, approved August 20, 1927, entitled: 'An Act to amend Sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923,' found on page 274 of the Acts of 1927, as amended by an Act of the Legislature of Alabama of 1935 entitled, "An Act to amend Section 376 of the Code of Alabama of 1923, as amended by an act of the Legislature of Alabama of 1927 entitled, 'An Act to amend sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923,' approved August 20, 1927."

As amended by the substitute, as amended, was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 72; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Bridges	Connor	Goodwyn
Adams	Britton	Cook	Goolsby
Almon	Burleson	Davis	Haley
Arnold	Byars	Delony	Hall
Austin	Calhoun	De Vane	Hanks
Bateman	Carter	Doster	Henson
Boswell	Castleberry	Douglass	Hollis
Braswell	Chichester	Glover	Jones

Kelly	Norman (Bullock)	Reid	Todd
Kirby	Norman (Lowndes)	Reynolds	Tolbert
Langdon	Owen (Etowah)	Robinson (Lowndes)	Tompkins
Livingston	Owens (Madison)	Shaver	Toomer
Lusk	Parish (Pike)	Shipman	Waldrep
Matthews	Poole	Sightler	Wallace
Merrill	Posey (Walker)	Sparks (Walker)	Welch
Miller	Propst	Spence	Whigham
Moore	Quarles	Street	Williams
McDermott	Reeder	Taylor	Wright

—72

H. 156. To authorize cities, towns and counties of Alabama to acquire sites for, and to acquire, establish and maintain Public Museums and Art Galleries, and to authorize the Administration thereof by instrumentalities selected by the governing bodies of such cities, towns and counties.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 68; Nays, 1.

Yeas:

Messrs.:

Mr. Speaker	Doster	Miles	Shipman
Austin	Douglass	Moore	Sightler
Blann	Glover	McDermott	Sparks (Walker)
Boswell	Goodwyn	Norman (Bullock)	Spence
Braswell	Haley	Norman (Lowndes)	Steele
Bridges	Hamner	Owens (Madison)	Terry
Britton	Hanks	Parish (Henry)	Tidmore
Bulger	Harrison	Parish (Pike)	Todd
Burleson	Hollis	Poole	Tolbert
Byars	Jones	Propst	Tompkins
Calhoun	Kelly	Quarles	Toomer
Carter	Langdon	Reeder	Waldrep
Chichester	Livingston	Reid	Wallace
Cook	Long	Reynolds	Welch
Davis	Lusk	Robertson (Cullman)	Whigham
Delony	Matthews	Robinson (Lowndes)	Williams
Denson	Merrill	Shaver	Wright

—68

Nay: Mr. Posey (Walker)

— 1

On motion of Mr. Chichester the bill, H. 156 was ordered sent forthwith to the Senate without engrossment.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 261. To authorize the State, through the State Docks Commission, to acquire, own, lease, operate, locate, install, construct, acquire, lease, own, hold, maintain, control and operate at seaports a line of terminal railroads with necessary sidings, turn outs, spurs, branches, switches, yard tracts, bridges, trestles, and causeways and in connection therewith or appurtenant there to shall have the further right to lease, install, construct, acquire, own, maintain, control and use any and every kind or character of motive power and conveyances or appliance necessary or proper to carry passengers, goods, wares, and merchandise over, along or upon the tracks of such railroads or other conveyances; and provided the State shall have no power or authority to operate tug or pilot boats.

J. E. Speight,
Secretary.

BILL ON THIRD READING

H. 122. To amend Section 9017 of the Code of Alabama of 1923.

Was taken up. Mr. Glover offered the following amendment to the bill, H. 122:

GLOVER AMENDMENT TO H. 122

Amend said bill so as to make section 9017 read as follows:

"9017. NOTICE OF SALE, HOW GIVEN.—Notice of said sale shall be given in the manner provided in such mortgage or deed of trust, or in this Code in the County where the mortgagor resides and the land, or a part thereof, is located; but, if said mortgagor does not reside in the County where the land or any part thereof is located, then such notice must be published in the County where said land, or any material part thereof, is located; provided, that notice of all sales under powers of sale contained in mortgages and deeds of trust executed after July 1, 1936, where the amount secured is Five Hundred (\$500.00) Dollars or more, shall be given by publication once a week for three successive weeks in some newspaper published in the County in which such land or any portion thereof is situated, and said notice of sale must give the time, place and terms of said sale, together with a description of the property to be sold."

And the amendment was adopted.

Yeas, 55; Nays, 13.

*Yeas:**Messrs.:*

Adams	Douglass	Merrill	Sightler
Austin	Glover	Norman (Bullock)	Sparks (Barbour)
Boswell	Goodwyn	Owens (Madison)	Spence
Braswell	Goolsby	Parish (Henry)	Steele
Bridges	Hamner	Parish (Pike)	Taylor
Bulger	Hanks	Petrey	Terry
Burleson	Hendley	Poole	Tidmore
Byars	Hollis	Propst	Tolbert
Calhoun	Kelly	Quarles	Tompkins
Carter	Langdon	Reeder	Toomer
Connor	Lee (Bullock)	Reid	Whigham
Delony	Livingston	Reynolds	Williams
Dominick	Long	Sanderson	Wright
Doster	Lusk	Shaver	

—55

*Nays:**Messrs.:*

Cook	Miles	Posey (Walker)	Todd
Denson	Moore	Robinson (Lowndes)	Waldrep
Hall	Norman (Lowndes)	Sparks (Walker)	Welch
Jones			

—13

And the bill:

H. 122. To amend Section 9017 of the Code of Alabama of 1923 as amended, was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 51; Nays, 14.

*Yeas:**Messrs.:*

Adams	Dominick	McDermott	Sightler
Arnold	Doster	Norman (Bullock)	Sparks (Barbour)
Austin	Glover	Owens (Madison)	Spence
Bateman	Goodwyn	Parish (Pike)	Taylor
Boswell	Goolsby	Poole	Terry
Bridges	Haley	Propst	Tidmore
Bulger	Hamner	Quarles	Tolbert
Burleson	Hanks	Reeder	Tompkins
Byars	Hendley	Reid	Toomer
Calhoun	Langdon	Reynolds	Whigham
Chichester	Lee (Bullock)	Robinson (Lowndes)	Williams
Davis	Livingston	Sanderson	Wright
Delony	Merrill	Shaver	

—51

*Nays:**Messrs.:*

Denson	Jones	Norman (Lowndes)	Todd
Douglass	Kelly	Posey (Walker)	Waldrep
Hall	Long	Sparks (Walker)	Welch
Hollis	Moore		

—14

On motion of Mr. Calhoun the bill, H. 122 was ordered sent forthwith to the Senate without engrossment.

MESSAGE FROM THE GOVERNOR

The House received the following Message from His Excellency, the Governor:

To the House of Representatives,
Montgomery, Alabama.
Gentlemen:

I am returning to you, the body in which it originated, House bill No. 50 without my approval.

While there is no objection to the bill it is the desire of the author of the bill that the same be not approved. I am, therefore, vetoing it.

Respectfully,
Bibb Graves,
Governor.

March 31, 1936.

GOVERNOR'S MESSAGE

On motion of Mr. Langdon the further consideration of the Message from His Excellency, the Governor, vetoing H. 50 was postponed until the next Legislative Day.

RECESS

On motion of Mr. Connor the House recessed until 3 o'clock P. M.

EIGHTEENTH DAY—AFTERNOON SESSION

The hour of 3 o'clock P. M. having arrived the House reconvened.

REPORT OF STANDING COMMITTEE ON ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Enrolled Bills reports that it has examined the following House bill, and finds same correctly enrolled, to-wit:

H. 261. To authorize the State, through the State Docks Commission, to acquire, own, lease, operate, locate, install, construct, acquire, lease, own, hold, maintain, control and operate at seaports a line of terminal railroads with necessary sidings, turn outs, spurs, branches, switches, yard tracts, bridges, trestles, and causeways and in connection therewith or appurtenant thereto shall have the further right to lease, install, construct, acquire, own,

maintain, control and use any and every kind or character of motive and power and conveyances or appliances necessary or proper to carry passengers, goods, wares, and merchandise over, along, or upon the tracks of such railroads or other conveyances; and provided the State shall have no power or authority to operate tug or pilot boats.

Dan Gullett Cook,
Chairman.

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregonig report of the Standing Committee on Enrolled Bills.

BILL INDEFINITELY POSTPONED

On motion of Mr. Welch H. 213 was indefinitely postponed.

BILLS ON THIRD READING

H. 63. To revise, collate and codify into one Act the general statutes of the State of Alabama relating to the Militia, which Act shall constitute and be designated and cited as the Military Code of Alabama; to regulate and provide for the Military and Naval Forces of the State and promote the efficiency of these forces; to provide rules, regulations and means for their organization, armament, equipment, discipline, control and supervision; to provide for their maintenance, support and upkeep; to provide for their allocation, organization and equipment, discipline, training, and maintain these forces for State and National Emergencies in compliance with the provisions of the National Defense Act and Federal Laws governing the Naval Militia or Naval Reserves as now or as these acts may be hereafter amended; to provide a Department, to be designated and known as the Department of Military and Naval Affairs, for the purpose of administration of all provisions of this Act and the execution of all rules and regulations written under this Act; to provide means for the enforcement of this Act; to repeal all code sections and all acts and parts inconsistent with this Act; and to fix penalties and punishments for the violation of this Act.

Was taken up. Mr. Quarles offered the following amendment to the bill, H. 63:

AMENDMENT BY MR. QUARLES

Amend House Bill No. 63 as follows:

1. Strike out the word "or" in line 7 on page 7 where it appears between the words "loss" and "public" and insert in lieu thereof the word "of."
2. Strike out the word "unawful" in line 10 on page 11 where it appears between the words "be" and "for" and insert in lieu thereof the word "unlawful."
3. Strike out the word "notion" in line 14 on page 11 where it appears between the words "sign" and "or" and insert in lieu thereof the word "motion."
4. Strike out the word "Militiar" in line 20 on page 16 where it appears and between the words "the" and "and" and insert in lieu thereof the word "Military."
5. Strike out the word "of" in line 2 page 17 where it appears between the words "acceptance" and "holding" and insert in lieu thereof the word "or."
6. Strike out the word "Treasurer" in line 15 on page 19 where it appears after the words "warrant on the" and insert in lieu thereof the word "Treasury."
7. Strike out the word "moran" in line 16 on page 23 where it appears between the words "physical" and "and" and insert in lieu thereof the word "moral."
8. Strike out the word "dall" in line 12 on page 24 where it appears immediately preceding the word "draft" and insert in lieu thereof the word "call."
9. Strike out the word "received" in line 11 on page 26 where it appears immediately preceding the word "all" and insert in lieu thereof the word "receive."
10. Strike out the word "Commanding" in line 21 on page 26 where it appears between the words "the" and "in" and insert in lieu thereof the word "Commander."
11. Strike out the word "invision" in line 5 on page 28 where it appears between the words "repel" and "or" and insert in lieu thereof the word "invasion."
12. Strike out the word "flay" in line 2 on page 32 where it appears between the words "Governor's" and "may" and insert in lieu thereof the word "flag."
13. Strike out the word "small" in line 10 on page 39 where it appears between the words "Officer" and "give" and insert in lieu thereof the word "shall."

14. Strike out the word "places" in line 9 on page 44 where it appears immediately preceding the word "on" and insert in lieu thereof the word "placed."

15. Strike out the word "be" in line 25 on page 48 where it appears between the words "to" and "the" and insert in lieu thereof the word "by."

16. Strike out the word "famili" in line 18 on page 59 where it appears between the words "the" and "of" and insert in lieu thereof the word "family."

17. Insert the word "law" in line 27 on page 60 immediately following the word "Similar."

18. Strike out the word "plane" in line 7 on page 61 where it appears between the words "or" and "of" and insert in lieu thereof the word "place."

19. Strike out the word "pweson" in line 25 on page 65 where it appears immediately following the words "a fine, the" and insert in lieu thereof the word "person."

20. Strike out the word "find" in line 15 on page 67 where it appears between the words "of" and "or" and insert in lieu thereof the word "fine."

21. Strike out the word "sitnesses" in line 13, page 69, where it appears between the words "and" and "shall," and insert in lieu thereof the word "witnesses".

22. Strike out the word "nad" in line 5, page 71, where it appears between the word "court" and "the", and insert in lieu thereof the word "and".

23. Strike out the words "judgem sheriffm mayor or intendant of any inforated" in line 13, page 79, and insert the words "judge, sheriff, mayor or intendant or any incorporated".

24. Strike out the word "then" in line 8, page 80, where it appears between the words "over" and "in", and insert in lieu thereof the word "ten."

25. Strike out the word "this" in line 16, page 80, where it appears between the words "of" and "civil", and insert in lieu thereof the word "the."

26. Insert the word "it" in line 24, page 85, between the words "and" and "is".

27. Strike out the word "is" in line 12, page 87, where it appears between the words "or" and "such", and insert in lieu thereof the word "if".

28. Strike out the word "attendancy" in line 27, page 87, where it appears between the words "the" and "of", and insert in lieu thereof the word "attendance."

29. Strike out the word "decises" in line 1, page 90, where it appears between the words "transfers" and gifts", and insert in lieu thereof the word "devises."

And the amendment was adopted.

Yeas, 56; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Glover	Miller	Shipman
Boswell	Haley	Moore	Sightler
Braswell	Hall	Norman (Bullock)	Sparks (Walker)
Britton	Hamner	Norman (Lowndes)	Spence
Burleson	Hendley	Owens (Madison)	Street
Calhoun	Hodges	Parish (Henry)	Taylor
Castleberry	Hollis	Parish (Pike)	Terry
Chichester	Jones	Quarles	Tidmore
Connor	Kelly	Rayburn	Todd
Cook	Kirby	Reeder	Tolbert
Davis	Lee (Bullock)	Reid	Welch
Delony	Livingston	Robertson (Cullman)	Whigham
Denson	Matthews	Robinson (Lowndes)	Williams
Dominick	Miles	Shaver	Wright

—56

And the bill:

H. 63. To revise, collate and codify into one Act the general statutes of the State of Alabama relating to the Militia, which Act shall constitute and be designated and cited as the Military Code of Alabama; to regulate and provide for the Military and Naval Forces of the State and promote the efficiency of these forces; to provide rules, regulations and means for their organization, armament, equipment, discipline, control and supervision; to provide for their maintenance, support and upkeep; to provide for their allocation, organization and equipment, discipline, training, and maintain these forces for State and National Emergencies in compliance with the provisions of the National Defense Act and Federal Laws governing the Naval Militia or Naval Reserves as now or as these acts may be hereafter amended; to provide a Department, to be designated and known as the Department of Military and Naval Affairs, for the purpose of administration of all provisions of this Act and the execution of all rules and regulations written under this Act; to provide means for the enforcement of this Act; to repeal all code sections and all acts and parts inconsistent with this Act; and to fix penalties and punishments for the violation of this Act.

As amended, was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 64; Nays, 2.

Yeas:

Messrs.:

Mr. Speaker	Delony	Matthews	Shipman
Almon	Denson	Merrill	Sightler
Arnold	De Vane	Miles	Spence
Austin	Dominick	Miller	Steele
Blann	Douglass	Moore	Street
Boswell	Glover	McDermott	Taylor
Braswell	Haley	Parish (Henry)	Terry
Britton	Hall	Parish (Pike)	Tidmore
Burleson	Hamner	Posey (Winston)	Todd
Byars	Hodges	Quarles	Tolbert
Calhoun	Hollis	Rayburn	Tompkins
Castleberry	Jones	Reeder	Wallace
Chichester	Kelly	Reid	Welch
Connor	Kirby	Robertson (Cullman)	Whigham
Cook	Livingston	Robinson (Lowndes)	Williams
Davis	Lusk	Shaver	Wright

—64

Nays:

Messrs. Norman (Bullock) and Norman (Lowndes)

— 2

On motion of Mr. Quarles the bill, H. 63 was ordered sent forthwith to the Senate without engrossment.

H. 262. To amend an Act Entitled: "An Act to Authorize all cities and towns within the State of Alabama to fix and collect licenses for any business, trade or profession done outside the corporate limits but within the police jurisdiction thereof," Approved September 6, 1927, as amended by Act of the Legislature of Alabama approved November 9, 1932.

Was read a third time at length and passed by two-thirds majority of the House:

Yeas, 62; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Haley	Moore	Sanderson
Adams	Hall	McDermott	Shaver
Austin	Hamner	Norman (Bullock)	Sightler
Bateman	Hanks	O'Neal	Sparks (Walker)
Britton	Henson	Owens (Madison)	Spence
Burleson	Hollis	Parish (Henry)	Street
Calhoun	Jones	Parish (Pike)	Terry
Castleberry	Kelly	Posey (Walker)	Tidmore
Chichester	Kirby	Posey (Winston)	Todd
Cook	Livingston	Propst	Tolbert
Davis	Long	Quarles	Tompkins
Delony	Lusk	Rayburn	Wallace
Denson	Matthews	Reeder	Welch
De Vane	Merrill	Reid	Williams
Dominick	Miles	Robinson (Lowndes)	Wright
Douglass	Miller		

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On motion of Mr. Shaver the bill, H. 262 was ordered sent forthwith to the Senate without engrossment.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following bill and sends same herewith to the House without engrossment:

By Mr. Glover:

S. 159. To dispose of the fine and forfeiture fund in Choctaw County, Alabama, and to legalize all claims against such fund regardless of their date; to designate the claims against such funds; to provide the payment of all claims which are by law a charge against said funds as preferred claims.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

A BILL TO BE ENTITLED AN ACT

To dispose of the Fine and Forfeiture Fund of Choctaw County, Alabama, and to legalize all claims against such fund regardless of their date; to designate the claims against such fund; to provide the payment of all claims which are by law a charge against said fund as preferred claims.

SECTION 1. Be it Enacted by the Legislature of Alabama, That all funds now known as the Fine and Forefiture fund in Choctaw County which are on hand, or which may hereafter be collected, shall be covered and paid into the General Fund of the County Treasury of Choctaw County and be used in all respects as the funds of Choctaw County.

SECTION 2. Be it further enacted, That all claims now existing are by this act made legal charges against the said fund, regardless of their date, or which may hereafter accrue, that they are by law charges against the General Fund of Choctaw County and shall be paid out of the treasury of Choctaw County and shall be preferred claims against said General Fund.

SECTION 3. Be it Further Enacted, that all claims which are outstanding against said Fine and Forefiture fund in Choctaw County, are hereby declared legal claims and shall be registered on certificate of the Clerk of the Circuit Court of Choctaw County with the county treasurer or custodian of county funds, as a preferred claim against the general fund of Choctaw County within three (3) Months after the passage and approval of this act.

SECTION 4. Be it Further Enacted, That should any phrase, clause, sentence or paragraph of this act be declared invalid or unconstitutional, it shall not effect the validity of any and all other parts and the same shall be in full force and effect.

SECTION 5. Be it Further Enacted, That all laws, special, local or general in conflict with this act, be, and the same are hereby repealed so far as they effect Choctaw County.

SECTION 6. Be it Further Enacted, That this act shall become effective and operative upon its passage and approval by the Governor.

Notice is hereby given that the above bill as set out will be introduced in the Legislature of Alabama at the Extraordinary Session of same to be called or held in 1936.

STATE OF ALABAMA, }
CHOCTAW COUNTY. }

I, Matt L. Blount, Editor and Publisher of The Choctaw Advocate, a newspaper published weekly in the town of Butler, Choctaw County, Alabama, do hereby certify that the Notice "To Be Entitled An Act" hereto attached was published four consecutive weeks beginning February 13th, 1936, and continuing through February 20, 1936, February 27th, 1936, and ending on March 5, 1936.

Witness my hand and seal this the 23rd day of March, 1936.

Matt L. Blount,

Editor and Publisher of The Choctaw Advocate.

Sworn to and subscribed before me on this the day and date hereinabove written.

(Seal)

Jean Thompson,
A Notary Public in and for aforesaid State of
Alabama and County of Choctaw.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bill, S. 159, the title to which is set out in the above and foregoing Message from the Senate, was read one time and referred to the Standing Committee on Local Legislation No. One.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 260. To appropriate out of any monies collected as fees now or afterwards in possession of the Probate Judge of Mobile County \$150.00 per month and the prorata fractional part thereof, from November 20th 1935 to the date of the passage of this act, to the person who has been performing necessary work as an assistant tax redemption clerk in said Probate Court. Said sums to be in compensation for said services which have been rendered. To provide the method of payment thereof. To repeal all laws in conflict herewith and to fix the time when this act shall be come effective.

Also:

H. 259. To provide for additional clerks in the offices of the Probate Judge, Tax Collector, Tax Assessor, Clerk and Register of the Circuit Court, of Mobile County; to fix the method and basis of their appointment and compensation and to designate the fund from which payable. To repeal all laws in conflict herewith; to provide that the partial invalidity of this act shall not affect the remainder hereof; and to fix the time when this act shall become effective.

Also:

H. 247. To authorize Mobile County, in the State of Alabama, to issue bonds from time to time, not exceeding in the aggregate \$1,600,000.00, which bonds, or the proceeds thereof, shall be used exclusively for paying valid and enforceable unbonded obligations of Mobile County, and unbonded obligations of Mobile County which would be valid and enforceable but for the provision or provisions of the Constitution of Alabama of 1901 fixing the debt limit of said county, and all past due interest and principal on any valid and enforceable bonded obligations of said county existing on September 30th, 1936; to provide the manner, method, interest rate, maturity, and all necessary details relative to the issuance and selling of such bonds and the retirement thereof; to provide for the manner and method of retiring the obligations which are to be refunded hereunder; to provide that the holder of any such unbonded obligation entitled to be refunded under this act, existing on the 30th day of September, 1936, and not registered with the Treasurer of Mobile County, must present the same for registration to the Treasurer of Mobile County, on or before the 1st day of November, 1936, or the same shall not be entitled to the benefits of this act; to provide what notice shall be given to the holders of such unbonded and unregistered obligations existing on the 30th day of September, 1936; and to provide that the invalidity or unconstitutionality of any section, clause, or provision of this act shall not affect the validity or constitutionality of any other section, clause, or provision hereof; and to provide for the repeal of all laws or parts of laws, special, general, local, or private, in conflict with the provisions of this act."

Also:

H. 227. To repeal an Act entitled "An Act To require the Board of School Commissioners of Mobile County to permit each school teacher to be absent from her or his duties for not more than ten school days during each school year without loss of pay, and to require a certificate of ill health by said teacher in order to secure the advantages of this act"; approved March 8, 1933.

Also:

H. 221. To provide funds for the maintenance and operation of a County Health Department under direction of the County Health Officer of Mobile County; to repeal all laws in conflict herewith, and to fix the time when this act shall become effective.

J. E. Speight,

Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown, and, as amended, has passed the following House bill, and returns same herewith to the House:

H. 58. To define turpentine gum (oleoresin) and the products as processed therefrom by the original producer as agricultural commodities and agricultural farm products.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Henson the House concurred in and adopted the Senate amendment to the bill, H. 58, said Senate amendment being as follows:

Amend H. B. 58 by adding after the words "and the following products as processed by" and before the words "the original producer" the following:—
"or for the account of"

Yeas, 69; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Doster	Lusk	Shipman
Almon	Douglass	Matthews	Sightler
Arnold	Goodwyn	Merrill	Sparks (Barbour)
Austin	Haley	Miller	Sparks (Walker)
Bateman	Hall	Moore	Spence
Boswell	Hamner	McDermott	Street
Britton	Hanks	Norman (Bullock)	Taylor
Burleson	Hendley	Norman (Lowndes)	Terry
Byars	Henson	Owens (Madison)	Tidmore
Calhoun	Hollis	Parish (Henry)	Todd
Chichester	Jones	Parish (Pike)	Tolbert
Connor	Kelly	Posey (Walker)	Tompkins
Cook	Kirby	Quarles	Wallace
Davis	Langdon	Reeder	Welch
Delony	Lee (Bullock)	Reid	Whigham
Denson	Livingston	Robinson (Lowndes)	Williams
De Vane	Long	Shaver	Wright
Dominick			

—69

BILLS ON THIRD READING

H. 353. To create in all cities in the State of Alabama, having a population of not less than fifty thousand and not more than sixty-seven thousand five hundred, according to the last or any subsequent Federal census, special funds to be known as "Policemen's and City Employees' Pension And Relief Funds;" to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the Police and all other City Depart-

ments except the Fire Department in said cities; to provide for the creation of such funds and for appropriations to make up deficit therein, and how such funds shall be raised or acquired; to provide who shall hear and decide applications for pensions and relief and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the Police and other City Departments except the Fire Department in said cities during their disability, and for the retirement of such members on pension, either by reason of termination of office or disability; to provide for the pensioning of members of such Police and other City Departments except Fire Department after service therein; to provide for the appropriation for funeral expenses upon the death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide that members receiving benefits shall be bona fide residents of the County in which the pension is paid; to provide for gifts, donations, legacies, or otherwise, to be made to such funds, and for the appointment of trustees and a Board of Pensions for all purposes in connection herewith; to provide penalties for violations of the provisions of this Act; to provide when this Act shall take effect; and to provide that any section or provision of this Act being held unconstitutional shall not affect the validity of any other section or provision.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker

Adams

Almon

Arnold

Austin

Blann

Boswell

Bridges

Britton

Bulger

Burleson

Byars

Calhoun

Carter

Connor

Cook

Cox

Davis

Delony

Dominick

Doster

Glover

Goodwyn

Haley

Hall

Hare

Hodges

Hollis

Jones

Kelly

Kirby

Langdon

Livingston

Long

Lusk

Merrill

Miles

Miller

Moore

O'Neal

Petrey

Poole

Propst

Quarles

Rayburn

Reeder

Reid

Sanderson

Shaver

Shipman

Sightler

Spence

Steele

Street

Taylor

Terry

Tidmore

Todd

Tolbert

Toomer

Waldrep

Wallace

Welch

Whigham

Williams

Wright

On motion of Mr. Goodwyn the bill, H. 353 was ordered sent forthwith to the Senate without engrossment.

S. 57. To authorize, require and provide for payment of the sum of Eighteen Hundred Eighty Dollars (\$1,880.00) for the relief of F. H. Gilliam, former Tax Collector of Madison County, said sum being an amount paid by him to the State of Alabama on charges made against him in a report of an examination of his office, for being delinquent 188 days in making final settlement with the State.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 73; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	De Vane	Lusk	Sanderson
Adams	Dominick	Matthews	Shaver
Almon	Doster	Merrill	Sightler
Arnold	Douglass	Miles	Sparks (Barbour)
Austin	Glover	Miller	Sparks (Walker)
Bateman	Haley	Moore	Spence
Boswell	Hall	Norman (Bullock)	Street
Braswell	Hamner	Norman (Lowndes)	Terry
Britton	Hanks	O'Neal	Tidmore
Burleson	Hendley	Owens (Madison)	Todd
Byars	Henson	Parish (Henry)	Tolbert
Calhoun	Hodges	Parish (Pike)	Tompkins
Castleberry	Hollis	Posey (Winston)	Toomer
Chichester	Jones	Propst	Wallace
Connor	Kirby	Quarles	Welch
Cook	Lee (Bullock)	Reeder	Whigham
Davis	Livingston	Reid	Williams
Delony	Long	Robinson (Lowndes)	Wright
Denson			

—73

S. 65. To regulate school warrants, school finances, and school tax elections, to validate certain school warrants and indebtedness, and to repeal laws in conflict therewith.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 78; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Byars	De Vane	Hanks
Almon	Calhoun	Dominick	Hendley
Arnold	Carter	Doster	Henson
Austin	Castleberry	Douglass	Hodges
Bateman	Chichester	Glover	Hollis
Blann	Connor	Goodwyn	Jones
Boswell	Cook	Goolsby	Kirby
Braswell	Davis	Haley	Lee (Bullock)
Britton	Delony	Hall	Livingston
Burleson	Denson	Hamner	Long

Lusk	Owens (Madison)	Robinson (Lowndes)	Tidmore
Matthews	Parish (Henry)	Shaver	Todd
Merrill	Posey (Walker)	Shipman	Tolbert
Miles	Posey (Winston)	Sightler	Tompkins
Miller	Propst	Sparks (Walker)	Toomer
Moore	Quarles	Spence	Waldrep
Norman (Bullock)	Reeder	Steele	Welch
Norman (Lowndes)	Reid	Taylor	Williams
O'Neal	Reynolds	Terry	Wright
Owen (Etowah)	Robertson (Cullman)		

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BILL INDEFINITELY POSTPONED

On motion of Mr. Denson H. 179 was indefinitely postponed.

ROLL CALL OF COMMITTEE CLERKS

Mr. Hamner moved that the roll of Committee Clerks be called to ascertain those present. Mr. Sanderson moved to table the motion of Mr. Hamner and the motion to table was lost.

Yeas, 16; Nays, 63.

Yeas:

Messrs.:			
Bateman	Chichester	Lusk	Robertson (Cullman)
Boswell	Delony	McDermott	Sanderson
Calhoun	Glover	Posey (Walker)	Sparks (Barbour)
Carter	Hollis	Reeder	Tompkins

—16

Nays:

Messrs.:			
Adams	Douglass	Miles	Sparks (Barbour)
Arnold	Goolsby	Moore	Spence
Austin	Haley	Norman (Bullock)	Street
Blann	Hall	Norman (Lowndes)	Taylor
Bridges	Hamner	O'Neal	Terry
Britton	Hanks	Owen (Etowah)	Tidmore
Burleson	Hendley	Owens (Madison)	Todd
Byars	Henson	Parish (Henry)	Tolbert
Castleberry	Kelly	Parish (Pike)	Toomer
Connor	Kirby	Posey (Winston)	Waldrep
Cook	Langdon	Quarles	Wallace
Davis	Lee (Bullock)	Reid	Welch
Denson	Livingston	Robinson (Lowndes)	Whigham
De Vane	Long	Shaver	Williams
Dominick	Matthews	Shipman	Wright
Doster	Merrill	Sightler	

—63

The motion of Mr. Hamner was adopted. The Clerk of the House called the roll of Committee Clerks and the following answered to their names: Mrs. Eloise Stewart, Miss Dorothy Daniels, Mrs. Kathryn Randle, Mrs. Virginia Bumpus, David Holt, Miss Lucile Dickinson, Mrs. Margaret Maynor, Almeda Starkey, Miss Edith M. Hyde, Miss Annie Harlan, Lucile Pounders, Mrs. Kirk Rains.

RESOLUTION

Mr. Moore offered the following resolution:

By Mr. Moore:

H. R. 38. Whereas it has been reported in the newspapers and otherwise that there are several clerks and employees of the House of Representatives and of the Clerk of the House of Representatives who remain at home or in places elsewhere than the State Capitol, and who do nothing toward the performance of the duties for which they were employed, and;

Whereas the number of said clerks and their duties are not within the common knowledge of the members of this House, and;

Whereas it is our duty to employ only such people to perform said duties as are necessary to their actual performance.

Therefore be it resolved that the Speaker of the House and the Clerk of the House be, and they are hereby, requested to investigate those clerks employed by them and their said employees, and to ascertain whether the said reports are correct, and to discharge any and all of said clerks who are not actually engaged in the performance of their duties and who are not actually present in the Capitol on all days specified and required by Speaker of the House and Clerk of the House.

Be it further resolved that the Speaker of the House and the Clerk of the House be required to furnish to the House a report in writing of their findings in the premises and the names and addresses of any and all clerks or employees so discharged.

And the resolution was referred to the Standing Committee on Rules.

BILL ON THIRD READING

H. 32. A bill to be entitled "An Act to propose an amendment to Section 59 of Article 4 of the Constitution of Alabama of 1901, and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held at the next regular general election after the final adjournment of the present session of the Legislature at which this amendment is proposed.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 59 of Article IV of the Constitution of the State of Alabama of 1901, is hereby proposed so as to make said section read as follows:

"Section 59. No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any office of profit under this State, or any governmental subdivision thereof; nor shall any Senator or Representative, during the term for which he shall have been elected, receive any compensation, directly or indirectly, from the State of Alabama, or any depart-

ment, bureau, board or commission thereof, nor from any county, municipality, or district of the State. The acceptance of any appointive office, or the receipt of any compensation in this Section prohibited, by any Senator or Representative shall vacate his office, and he shall no longer be a member of the Legislature of Alabama, and shall not be permitted to attend its sessions, nor vote upon any measure; and his name shall be stricken from the roll of the Senate, or of the House, of which ever he may be a member; and neither the Senate nor the House of Representatives shall have the power, under the authority in this Constitution given it to pass upon the qualifications of its membership, to seat or reinstate any Senator or Representatives who violates this Section. Any Senator or Representative may, during the term for which he shall have been elected, be a candidate for any office to be filled by election of the people, and accept the election to any office by the people, but an acceptance of such office shall be a vacation of his office as Senator or Representative."

Section 2. That an election be held upon this proposed amendment at the next general regular election of the State of Alabama, to be held after the adjournment of this session of the Legislature.

Section 3. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in every County in the State, for at least four successive weeks, next preceding the day hereby appointed for such election.

Section 4. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment; and on the official ballot provided for such election, there shall be printed the following, namely: "Shall the following be adopted as an amendment to Section 59 of the Constitution of Alabama so as to make said Section read as follows:"

"Section 59. No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any office of profit under this State, or any governmental sub-division thereof; nor shall any Senator or Representative, during the term for which he shall have been elected, receive any compensation, directly or indirectly, from the State of Alabama, or any department, bureau, board or commission thereof, nor from any county, municipality, or district of the State. The acceptance of any appointive office, or the receipt of any compensation in this Section prohibited, by any Senator or Representative shall vacate his office, and he shall no longer be a member of the Legislature of Alabama, and shall not be permitted to attend its sessions, nor vote upon any measure; and his name shall be stricken from the roll of the Senate, or of the House, of which ever he may be a member; and neither the Senate nor the House of Representatives shall have

the power, under the authority in this Constitution given it to pass upon the qualifications of its membership, to seat or reinstate any Senator or Representative who violates this Section. Any Senator or Representative may, during the term for which he shall have been elected, be a candidate for any office to be filled by election of the people, and accept the election to any office by the people, but an acceptance of such office shall be a vacation of his office as Senator or Representative."

Yes.....

No.....

Section 5. The officers of said election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State and the election shall be held in all things in accordance with this Act, the law governing elections and the constitutional provisions concerning amendments to the Constitution.

Section 6. The votes cast at such election shall be canvassed, tabulated and return thereof made to the Secretary of State, and counted in the same manner, as in elections for Representatives to the Legislature; and if it shall appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Was taken up. Mr. Reynolds offered the following amendment to the bill, H. 32: Amend H. 32 by adding the following: No member of the Legislature shall receive any compensation from any source other than that received from the Legislature during his term of office as a legislator.

On motion of Mr. Connor the amendment offered by Mr. Reynolds was laid on the table:

Mr. Harris offered the following amendment to the bill, H. 32:

HARRISON AMENDMENT TO H. 32

Amend said bill by insertring the word "State" in line 18 of said bill, the following words—

or from any corporation interests in any legislation pending in the House of Representative or Senate of Alabama or any compensation from any corporation that may be affected by any legislation.

And the amendment was adopted:

Yeas, 69; Nays, 17.

Yeas:

Messrs.:

Mr. Speaker

Arnold
Blann
Boswell
Bridges
Burleson
Byars
Calhoun
Carter
Castleberry
Cook
Delony
Denson
De Vane
Dominick
Doster
Douglass
Glover

Goodwyn
Goolsby
Hamner
Hanks
Hare
Harrison
Hendley
Henson
Hodges
Hollis
Jones
Kelly
Kirby
Langdon
Long
Lusk
Merrill

Miles
Miller
Moore
McDermott
Norman (Lowndes)
O'Neal
Owen (Etowah)
Owens (Madison)
Parish (Henry)
Parish (Pike)
Poole
Posey (Walker)
Posey (Winston)
Quarles
Reeder
Reid
Reynolds

Robinson (Lowndes)
Sanderson
Shipman
Sightler
Sparks (Barbour)
Sparks (Walker)
Steele
Terry
Tidmore
Todd
Tompkins
Toomer
Waldrep
Wallace
Welch
Whigham
Wright

—69

Nays:

Messrs.:

Adams
Austin
Bateman
Bulger
Chichester

Connor
Davis
Haley
Hall

Livingston
Matthews
Norman (Bullock)
Petrey

Shaver
Spence
Street
Williams

—17

And the bill:

H. 32. A bill to be entitled "An Act to propose an amendment to Section 59 of Article 4 of the Constitution of Alabama of 1901, and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held at the next regular general election after the final adjournment of the present session of the Legislature at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 59 of Article IV of the Constitution of the State of Alabama of 1901, is hereby proposed so as to make said section read as follows:

"Section 59. No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any office of profit under this State, or any governmental subdivision thereof; nor shall any Senator or Representative, during the term for which he shall have been elected, receive any compensation, directly or indirectly, from the State of Alabama, or any department, bureau, board or commission thereof, nor from any county, municipality, or district of the State. The acceptance of any appointive office, or the receipt of any compensation in this Section prohibited, by any Senator or Representative shall vacate his office, and he shall no longer be a member of the legislature of Alabama, and shall not be permitted to attend its sessions, nor vote upon any

measure; and his name shall be stricken from the roll of the Senate, or of the House, of which ever he may be a member; and neither the Senate nor the House of Representatives shall have the power, under the authority in this Constitution given it to pass upon the qualifications of its membership, to seat or reinstate any Senator or Representative who violates this Section. Any Senator or Representative may, during the term for which he shall have been elected, be a candidate for any office to be filled by election of the people, and accept the election to any office by the people, but an acceptance of such office shall be a vacation of his office as Senator or Representative."

Section 2. That an election be held upon this proposed amendment at the next general regular election of the State of Alabama, to be held after the adjournment of this session of the Legislature.

Section 3. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in every County in the State, for at least four successive weeks, next preceding the day hereby appointed for such election.

Section 4. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment; and on the official ballot provided for such election, there shall be printed the following, namely: "Shall the following be adopted as an amendment to Section 59 of the Constitution of Alabama so as to make said Section read as follows:"

"Section 59. No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any office of profit under this State, or any governmental sub-division thereof; nor shall any Senator or Representative, during the term for which he shall have been elected, receive any compensation, directly or indirectly, from the State of Alabama, or any department, bureau, board or commission thereof, nor from any county, municipality, or district of the State. The acceptance of any appointive office, or the receipt of any compensation in this Section prohibited, by any Senator or Representative shall vacate his office, and he shall no longer be a member of the Legislature of Alabama, and shall not be permitted to attend its sessions, nor vote upon any measure; and his name shall be stricken from the roll of the Senate, or of the House, of which ever he may be a member; and neither the Senate nor the House of Representatives shall have the power, under the authority in this Constitution given it to pass upon the qualifications of its membership, to seat or reinstate any Senator or Representative who violates this Section. Any Senator or Representative may, during the term for which he shall have been elected, be a candidate for any office to be filled by election of the people, and accept the election to any office by the people, but an

acceptance of such office shall be a vacation of his office as Senator or Representative."

Yes.....

No

Section 5. The officers of said election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State and the election shall be held in all things in accordance with this Act, the law governing elections and the constitutional provisions concerning amendments to the Constitution.

Section 6. The votes cast at such election shall be canvassed, tabulated and return thereof made to the Secretary of State, and counted in the same manner, as in elections for Representatives to the Legislature; and if it shall appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

As amended, was read a third time at length and passed.

Yeas, 71; Nays, 15.

Yeas:

Messrs.:

Mr. Speaker

Adams
Almon
Arnold
Austin
Boswell
Braswell
Bridges
Bulger
Burleson
Calhoun
Castleberry
Chichester
Connor
Cook
Davis
Delony
Dominick

Doster
Douglass
Glover
Hall
Hamner
Hanks
Hare
Harrison
Henson
Hodges
Hollis
Jones
Langdon
Livingston
Long
Lusk
Merrill
Miles

Moore
McDermott
Norman (Bullock)
Norman (Lowndes)
O'Neal
Owen (Etowah)
Owens (Madison)
Parish (Henry)
Parish (Pike)
Petrey
Poole
Posey (Walker)
Posey (Winston)
Quarles
Reeder
Reid
Robinson (Lowndes)
Sanderson

Shaver
Sparks (Barbour)
Sparks (Walker)
Spence
Steele
Taylor
Terry
Tidmore
Todd
Tompkins
Toomer
Waldrep
Wallace
Welch
Whigham
Williams
Wright

—71

Nays:

Messrs.:

Bateman
Blann
Byars
Carter

Denson
De Vane
Goodwyn
Goolsby

Hendley
Kelly
Lee (Bullock)
Matthews

Miller
Reynolds
Shipman

—15

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following joint resolution:

By the Rules Committee:

S. J. R. 42. BE IT RESOLVED BY THE SENATE, the House concurring, that when the two Houses adjourn today, they adjourn to meet again on Friday, April 3, 1936, at 10 o'clock A.M.

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Harrison the rules were suspended and the resolution, S. J. R. 42, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate bill, your signature thereto is requested:

S. 127. To regulate the office of the sheriff of Tuscaloosa County, Alabama; to exempt the sheriff of said County from court costs; to fix the compensation or salary to be paid the sheriff of Tuscaloosa County, Alabama, and to regulate the payment of the same; to fix the number and compensation of the sheriff's deputies, guards, jailers, and other employees of the sheriff; to require the deputy sheriffs and special deputy sheriffs of said sheriff to execute official bonds conditioned, payable and approved as the bond of the sheriff; to exempt the sheriff of said County from liability for the acts of the deputies, except in certain cases; to provide for the appointment and compensation of special deputies; to provide for the payment of the premium on the sheriff's and all deputies' bonds out of the County Treasury; to provide that all fees, charges and commissions taxable and collected as sheriff's fees, charges or commissions be paid into the County Treasury, including fees for feeding prisoners, to be paid into the general fund of said County; to provide for the payment of the expenses of the office of said sheriff, including the costs of supplying and maintaining automobiles used by said sheriff in his official business, and authorizing the Board of Revenue to appropriate the necessary money for such expenses, and to regulate the expenditure of same; authorizing the sheriff of said County to employ an attorney to advise and represent him, whose compensation is to be fixed by the Board of Revenue and paid out of the County Treasury; abolishing in so far as it relates

to Tuscaloosa County, Alabama, sheriff's fees provided for in Section 6717 of the Code of Alabama, 1923, and providing that the sheriff of said County shall furnish bailiffs required in Section 6716 of the Code of Alabama, 1923; to provide that said County shall not be liable for the acts or omissions of said sheriff or any of his deputies, guards, jailers or other employees; to repeal all laws and parts of laws which, as applied to Tuscaloosa County, Alabama, are in conflict with the provisions of said Act; and providing when and how said Act shall become effective.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of quorum present, signed the bill, the title to which is set out in the above and foregoing Message from the Senate.

RESOLUTION

Mr. Denson offered the following resolution:
By Mr. Denson:

H. R. 39. Be it resolved that Senate bills Nos. 110 and 111, (relating to selection of candidates for public office and delegates to party conventions) be and same are hereby made special orders of business for the 19th Legislative day and thereafter until same are disposed of.

And the resolution was referred to the Standing Committee on Rules.

BILL ON THIRD READING

H. 256. To amend Section 7795 of the Code of Alabama of 1923, relating to the issuance by clerks and registers of executions on judgments and decrees.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 68; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker
Adams
Almon
Austin
Bateman
Blann
Boswell

Braswell
Bridges
Bulger
Burleson
Calhoun
Carter
Castleberry

Chichester
Connor
Cook
Davis
Delony
Denson
Dominick

Douglass
Glover
Goodwyn
Goolsby
Haley
Hall
Hamner

Hare	Miles	Posey (Walker)	Spence
Harrison	Moore	Quarles	Steele
Henson	McDermott	Reeder	Street
Jones	Norman (Bullock)	Reid	Terry
Kelly	Norman (Lowndes)	Reynolds	Tidmore
Kirby	O'Neal	Robinson (Lowndes)	Todd
Livingston	Parish (Henry)	Shaver	Toomer
Long	Parish (Pike)	Sightler	Waldrep
Lusk	Petrey	Sparks (Barbour)	Welch
Merrill	Poole	Sparks (Walker)	Williams

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following bills and sends same herewith to the House without engrossment:

By Mr. Carlton:

S. 160. To amend Sections 2891 and 2892 of the Code of Alabama of 1923, relative to the practice of Optometry, and sections 2875 and 4387 of the Code of Alabama of 1923, relative to the practice of Optometry, as amended by the act of 1935, entitled "An Act to Amend Sections 2874, 2875, 2880, 2885, 2886, 2888, 2889, 4387, 4389, and 4390, Code of Alabama of 1923, relative to the practice of Optometry."

Also:

By Mr. Simpson:

S. 139. To amend Schedule 158.15 of Article 13 Chapter 6 of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Also:

By Mr. Swift (by request):

S. 137. To amend Schedule 42 of Section 348 of Article 13, Chapter 3, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Also:

By Mr. Starnes:

S. 64. To provide for the appointment by Circuit Judges of Court Bailiffs in all Circuits composed of more than one County and having two Circuit Judges and to provide for the compensation of such bailiffs.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

Rules—S. 160.

Ways and Means—S. 139, S. 137, S. 64.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 12:22 o'clock P. M. March 31, 1936:

H. 201, H. 202, H. 238, H. 290, H. 291, H. 293, H. 296, H. 301, H. 302.

Delivered to the Governor at 3:15 o'clock P.M., March 31, 1936:

H. 261.

E. F. Taylor,
Clerk.

ADJOURNMENT

On motion of Mr. Moore the House adjourned until Friday, April 3, 1936, at 10 o'clock A.M.

NINETEENTH DAY

House of Representatives

Montgomery, Alabama, April 3, 1936.

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. Walter D. Agnew,
President of Huntingdon College, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House the following members answered to their names:

Messrs.:			
Mr. Speaker	Doster	Lusk	Reynolds
Adams	Douglass	Matthews	Robertson (Cullman)
Almon	Glover	Merrill	Robinson (Lowndes)
Arnold	Goodwyn	Miles	Sanderson
Austin	Goolsby	Miller	Shaver
Bateman	Haley	Moore	Shipman
Blann	Hall	McDermott	Sightler
Boswell	Hamner	McGowin	Sparks (Barbour)
Braswell	Hanks	McPhaul	Sparks (Walker)
Bridges	Hare	Norman (Bullock)	Spence
Britton	Harrison	Norman (Lowndes)	Steele
Buffington	Hendley	O'Neal	Street
Bulger	Henson	Owen (Etowah)	Taylor
Burleson	Hill	Owens (Madison)	Terry
Byars	Hodges	Parish (Henry)	Tidmore
Calhoun	Hollis	Parish (Pike)	Todd
Carter	Johnston	Petrey	Tolbert
Castleberry	Jones	Poole	Tompkins
Chichester	Kelly	Posey (Walker)	Toomer
Connor	Kirby	Posey (Winston)	Waldrep
Cook	Langdon	Propst	Wallace
Cox	Lee (Bullock)	Quarles	Welch
Delony	Lee (Monroe)	Rayburn	Whigham
Denson	Livingston	Reeder	Williams
De Vane	Long	Reid	Wright
Dominick			

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A quorum was present.

REPORT OF STANDING COMMITTEE ON REVISION OF
JOURNAL

Mr. Speaker:

Your Standing Committee on the Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the House for the Eighteenth Legislative Day and finds same correct.

R. L. Tolbert,
Vice Chairman.

The report of the Standing Committee on the Revision of the Journal was adopted and the Journal of the House for the Eighteenth Legislative Day was approved.

INTRODUCTION OF BILLS

On a call of counties bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Mr. McGowin:

H. 405. To amend subsections 2 and 16 of Section 6755 of the Code of Alabama of 1923, and to validate payments heretofore made in accordance with the provisions thereof.

Revision of Laws.

By Mr. Quarles:

H. 406. To prevent corrupt practices by members of the Legislature of Alabama in voting on Bills, Resolutions or Measures in which they have a private or personal interest, or in speaking upon the same; or are agents, attorneys, stockholders, officers or directors of persons, firms, or corporations having such private or personal interests, without disclosing their interest; and prescribing the punishments and penalties for the violation of this Act.

Rules.

By Mr. Owen (Etowah):

H. 407. To provide that all cities, towns and municipalities of Alabama shall be prohibited from charging higher rates for furnishing water to the inhabitants of such city than that necessary to pay any principal interest and operating expenses of any water plant owned or operated by such town, city or municipality and provide penalty for the violation thereof.

Rules.

By Mr. Waldrep:

H. 408. To amend Section 1 of Schedule 159 of Chapter 5 of Article XIII of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

Ways and Means.

By Mr. O'Neal:

H. 409. To authorize and empower the governing body of each and every county to appropriate, expend, use and pledge, for the payment of any indebtedness of such county heretofore incurred in the construction, maintenance or repair of roads or bridges, not exceeding one-third of the proceeds of any tax on gasoline or other liquid motor fuels heretofore or hereafter levied and collected by the State and paid to such county; or received from any other source by such county; to provide the effect of any such pledge; and to validate any such expenditures and pledges heretofore made.

Ways and Means.

By Mr. Harrison:

H. 410. To amend Schedule 109 of Section 348 of Article 13, Chapter 3, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Ways and Means.

By Mr. Reid (with notice and proof):

H. 411. To relieve all persons in Shelby County, Alabama, and in any Municipality thereof, of and from any and all legal obligation to work on the public roads or streets in Shelby County, Alabama, or in any Municipality thereof, or to pay any money in lieu of such obligation to work on the public roads or streets in Shelby County, Alabama, or in any Municipality thereof, and to prohibit the levying and collecting of a per capita road or street tax in Shelby County, Alabama, or in any Municipality thereof.

Local Legislation No. One.

Notice and proof H. 411:

NOTICE

Notice is hereby given that the following Bill will be introduced in the Legislature of Alabama, at a Special session called for February 11, 1936.

A BILL TO BE ENTITLED AN ACT

To relieve all persons in Shelby County Alabama, and in any Municipality thereof, of and from any and all legal obligation to work on the public roads or streets in Shelby County, Alabama, or in any Municipality thereof, or to pay any money in lieu of such obligation to work on the public roads or streets in Shelby County, Alabama, or in any Municipality thereof, and to prohibit the levying and collecting of a per capita road or street tax in Shelby County, Alabama, or in any Municipality thereof.

Be It Enacted By The Legislature of Alabama:

Section 1. That all persons in Shelby County, Alabama, and in any municipality thereof, shall be and are hereby relieved of any legal obligation to work on the public roads or streets in said Shelby County, Alabama, or in any municipality thereof or to pay any money to the State of Alabama or said County or any municipality in said County in lieu of such legal

obligation to work on the public roads or street in Shelby County, Alabama, or in any municipality thereof, and that no per capita road tax or street tax shall be levied or collected in Shelby County, Alabama, or in any municipality thereof.

Section 2. That all laws, general, special and local, and all county and municipal laws and ordinances, in conflict herewith be and the same are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor.

R. A. REID

THE STATE OF ALABAMA,
SHELBY COUNTY

Personally appeared before me, Judge of Probate, in and for said county, Luther Fowler, who being duly sworn according to law deposes and says that he is the publisher of the Shelby County Reporter, a newspaper published in said county, and that publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper 4 weeks consecutively, to wit, in the issues thereof dated as follows: Feb. 6-12-20-27.

LUTHER FOWLER,
Publisher.

Subscribed and sworn to before me this 2 day of April 1936.

L. C. WALKER,
Judge of Probate.

By Mr. Sparks (Walker):

H. 412. To amend Section 10145 and Section 10153 of the Code of Alabama, 1923.

Revision of Laws.

By Mr. Sparks (Walker):

H. 413. A bill to be entitled An Act to submit to the qualified electors of Alabama, at an election to be held for said purpose, a proposed amendment to the Constitution of Alabama to authorize and empower the Legislature of Alabama from time to time by general or local law to fix, alter and regulate the allowances, commissions, fees or salaries to be charged or received by any County officer of Walker County, Alabama, including the method and basis of their compensation.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of Alabama for their consideration, viz:

The Legislature of Alabama may hereafter, from time to time, by general or local law, fix, alter and regulate the allowances, commissions, fees or salaries to be charged or received by any County officer of Walker County, including the method and basis of their compensation.

Section 2. The day hereby appointed for the election upon such proposed amendments is the day of the General election in November, 1936, the same being more than three months from and after the final adjournment of the present session of the Legisla-

ture, on the official ballot provided for said election, shall be printed the following:

PROPOSED AMENDMENT TO THE CONSTITUTION

"The Legislature of Alabama may hereafter, from time to time, by general or local law, fix, alter and regulate the allowances, commissions, fees or salaries to be charged or received by any County officer of Walker County, including the method and basis of their compensation.

Yes.....

No....."

The choice of the elector shall be indicated by a cross mark opposite the word expressing his desire.

Section 3. The officers to hold such election shall be the same as are provided for the General election; and notice thereof shall be given and the returns shall be canvassed and the proclamation of the results shall be made as is provided by law relating to elections on constitutional amendments.

The above and foregoing bill, H. 413, proposing an amendment to the Constitution, was read one time at length and referred to the Standing Committee on Constitution and Constitutional Amendments.

By Mr. Castleberry:

H. 414. To authorize and empower the Board of Revenue or other Governing body of each and every County in Alabama to appropriate, expend, use and pledge, for the payment of any indebtedness of such County heretofore incurred in the construction, maintenance or repair of roads or bridges an amount not exceeding one-third of the total amount of the proceeds of any tax on gasoline or other liquid motor fuels that may be received by such County; to provide the effect of any such pledge; and to validate any such expenditures and pledges heretofore made.

Ways and Means.

By Mr. Shaver (with notice and proof):

H. 415. To amend an Act entitled an Act "To regulate and control the purchase of goods and supplies for Madison County by the Board of County Commissioners, or other like governing body of Madison County," passed by the Legislature at its 1936 special session.

Local Legislation No. One.

Notice and proof H. 415:

Notice is given that it is intended to apply to the Legislature at its present or any subsequent session for the passage of an Act in substance as follows:

A BILL TO BE ENTITLED AN ACT

To amend an Act entitled an Act "To regulate and control the purchase of goods and supplies for Madison County by the Board of County Commissioners, or other like governing body of Madison County," passed by the Legislature at its 1936 special session.

Be it enacted by the Legislature of Alabama:

Section 1. That an act entitled an act "To regulate and control the purchase of goods and supplies for Madison County by the Board of County Commissioners, or other like governing body of Madison County," passed at its special session of 1936, be and the same is hereby amended as follows: by striking the words and figures "Sum of \$25.00" therefrom wherever the same appear in said act and substituting in lieu thereof the words and figures "Sum of \$100.00."

3 12-19-26 4-2

STATE OF ALABAMA }
MADISON COUNTY }

Before me, W. P. Nicholson, a notary public in and for said State and County, this day personally appeared Jack Langhorne, who being first duly sworn, deposes and says he is business manager of The Huntsville Times, a newspaper of general circulation published in Huntsville, Madison County, Alabama; that the foregoing notice of local bill to be introduced for passage in the Legislature of Alabama was published in said newspaper once a week for four consecutive weeks, on March 12, 1936, March 19, 1936, March 26, 1936, and April 2, 1936.

JACK LANGHORNE,
Business Manager.

Sworn to and subscribed before me this the 2 day of April, 1936.

W. P. NICHOLSON,
Notary Public.

By Mr. Denson:

H. 416. To amend Section 1 of an Act entitled "An Act to authorize any person or owner of property to convey or devise any of his real estate or personal property to another in trust to receive and pay the profits and or income not to exceed Eighteen Hundred (\$1800.00) Dollars annually for the support and maintenance of any child, grandchild, or other relation by blood or marriage, with remainder as the grantor shall provide, during a period of time not exceeding the limits fixed by law as to perpetuities; and the property so conveyed or devised and the income or profits therefrom shall not be liable for or subject to be seized or taken in any manner, for the debts of such child, grandchild, or other relation, whether the same be contracted or incurred before or after the grant", approved August 8, 1935.

Judiciary.

By Mr. Goodwyn:

H. 417. To Amend The Caption and Section 1 of an Act Entitled An Act "To provide for the validation of bonds, certificates of indebtedness and time warrants which mature more than one year from their respective dates, and of bonds or certificates payable solely from revenues, before their issuance by counties, cities,

towns, villages, districts, or other political subdivisions of the State, and to prescribe the procedure in the Circuit Courts and in the Supreme Courts with respect thereto, approved July 17, 1935." Local Legislation No. One.

By Mr. Hamner:

H. 418. To amend Section 344 of an Act entitled, "An Act to provide for the general revenue of the State of Alabama," approved July 10th, 1935.

Ways and Means.

By Mr. Hanks:

H. 419. To provide for holding a convention to revise and amend the Constitution of this State.

Judiciary.

By Mr. Poole:

H. 420. To appropriate the sum of Seventy-Five Thousand (\$75,000.00) Dollars annually to the Alabama Polytechnic Institute to be expended through its Extension Service out of the revenues received by the Department of Agriculture and Industries.

Appropriations.

By Mr. Sightler:

H. 421. To amend Schedule 69 of Section 348 of Article XIII, Chapter 3, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Ways and Means.

By Mr. Taylor:

H. 422. To require pawn-brokers, in all counties in this state now or hereafter having a population of more than 100,000 according to the last or any succeeding federal census, to furnish the sheriff of the county in which they do business a full and accurate description of the articles received by him in pledge or pawn or by purchase on the preceeding business day; to make any violation of any of the provisions of this act a misdemeanor and to fix the punishment therefor; to define the word pawn-broker as used in this act.

Revision of Laws.

BILLS ON SECOND READING

Mr. Welch, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with substitute:

By Mr. Castleberry (with substitute):

H. 339. To Amend An Act, entitled "An Act to provide that if, under the terms of an annuity contract or policy of life insurance, or under any written agreement supplemental thereto, issued by

any life insurance company, the proceeds, or any part thereof, are retained by such company at maturity, or otherwise, permission is expressly withheld by the terms of such contract, policy or supplemental agreement, no person entitled to any part of such proceeds, or installments of interest due, or to become due thereon, shall be permitted to commute, anticipate, encumber, alienate or assign the same, or any part thereof, and that no such payment shall be in any way subject to such person's debts, contracts, or engagements, nor to any judicial process to levy upon or attach the same; and to provide, further, that no such company shall be required to segregate such funds, but may hold them as a part of its general corporate funds," approved August 9, 1935, and to further regulate the exemption from legal process to enforce any debt or liability against the cash surrender value of life insurance or annuity contracts or money or benefits payable in installments or periodic intervals, and to except from its operation debts arising under the policy or secured by lawful assignments as defined and regulated.

Mr. Welch, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Messrs. Shaver and Owens (Madison):

H. 395. To amend Sections 312 and 324 of the Code of Alabama 1923 relating to County Depositories in lieu of County Treasurers.

By Mr. Harrison:

H. 387. To provide for service of notice by tax collector on resident taxpayers when personal service or service by registered mail cannot be perfected as now provided by law.

By Mr. Simpson:

S. 124. To amend Section 31 of an Act entitled "An Act to authorize any County, City or incorporated Town of the State of Alabama, subject to the limitations herein stated, to purchase or construct a waterworks system, water supply system, sewer system, sanitary disposal equipment and appliances, or gas system, and in furtherance thereof to purchase or construct any necessary part of any such system either within or without the limits of such county, city or incorporated town, as the case may be; and to authorize any county, city or incorporated town of the State of Alabama now or hereafter owning and operating any such system to improve, enlarge, extend or repair the same; and for any such purpose or purposes to authorize any such county, city or incorporated town to issue revenue bonds payable solely from the reve-

nues derived from the operation of any such system or systems; to regulate the issuance, sale, retirement, and refunding of such bonds and of other matters in connection therewith; to regulate the use of the revenues of such system or systems when such bonds are issued or outstanding; to provide for the operation of any such system or systems in case of deficiencies in such revenues; to confer upon the State Board of Health certain powers with reference to any such sewer system; and for other purposes", approved March 29, 1933, as amended, so as to permit the redemption of bonds with or without a premium, and so as to delete a portion of said section.

By Mr. McDermott:

H. 377. To amend Section One of an act entitled an Act "Allowing boxing, sparring and wrestling matches and exhibition under the regulation and supervision of the Alabama Athletic Commission herein established, and delating to the powers, duties, compensation and authority of said commission, and prescribing penalties for the violation of the provisions of this Act, or rules of said commission", approved July 1, 1927; and to amend Section Three of said act as last amended August 21, 1935.

By Mr. Miller (by request):

H. 383. To amend an Act entitled "An Act amending Section 8777 of the Code of Alabama as approved August 17, 1923", approved July 1, 1927.

By Mr. Dominick (with amendment):

H. 386. To Authorize and empower the governing body or authority of any City or Town in the State of Alabama to compromise and adjust claims or debts for public improvements with any Church religious bodies or society by remitting all, or any part of the interest on any public improvement assessment in such city or town including sidewalks, street pavings, curbs and gutter and sewer assessments heretofore made or which may hereafter be made against the property of any such Church religious body or society upon the payment in full of all principal indebtedness due for such improvement assessments or liens.

Mr. Welch, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

By Mr. Simpson (with amendment):

S. 117. To provide for a more economical, convenient and uniform system of assessing and collecting taxes on real estate in all Counties having a population of forty thousand or more, according to the last Federal census.

Mr. Welch, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with substitute:

By Mr. Almon (with substitute):

H. 367. To Amend Section 10620 of the Code of Alabama, 1923.

Mr. Harrison, Chairman of the Standing Committee on Ways and Means, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report with amendment:

By Mr. Chichester (by request) (with amendment):

H. 374. To amend an Act entitled "An Act to Provide For the General Revenue of the State of Alabama," approved July 10, 1935, by amending Sections 32 and 33 thereof.

By Mr. Matthews (with amendment):

H. 264. To amend Schedule 21 of Section 348 of Article 13, Chapter 3, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

By Mr. Russell (with amendment):

S. 47. To amend Schedule 7 of Chapter 1 of Article XIII of an Act "To Provide for the General Revenue of the State of Alabama," approved July 10, 1935.

By Mr. Propst (with amendment):

H. 390. To amend Schedule 129 of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

By Mr. Hill (with amendment):

H. 375. To authorize the Courts of County Commissioners, Boards of Revenue and like governing bodies in all counties in the State of Alabama to provide that charges for all office supplies, such as stationery, carbon paper, ink, light bulbs and other consumable articles and postage, telephone and telegraph, telephone rent, long distance calls incurred by the County Superintendent of Education and/or the County Board of Education or like governing body in all counties in the State of Alabama and the expenses of auditing the books and records of the County Treasurer of School Funds, County Superintendent of Education and/or County Board of Education or like governing body by the State of Alabama wherein they now become a charge against the general fund of said counties, respectively, shall be transferred from the general funds of said counties, respectively, so that from and after the passage and approval of this Act they will become a charge against

the educational funds of said counties, respectively, when in the opinion of the Courts of County Commissioners, Boards of Revenue or like governing bodies of said county or counties such transfer is deemed necessary and desirable; and to repeal all laws and parts of laws, general, special, private and local in conflict with the provisions of this Act.

Mr. Harrison, Chairman of the Standing Committee on Ways and Means, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. Harrison:

H. 355. To amend Section 213 of the Code of Alabama of 1923.

By Mr. Harrison:

H. 357. To specify what stated purposes shall control in the expenditure of the proceeds of certain special three-mill district school taxes or special three mill county school taxes where the petition for the tax election, the order of the county governing body calling the election, the notice of the election, or the official ballot provided vary in the statement of the purposes to which the proceeds of such tax shall be devoted; to provide that such variance shall not invalidate any such election or the levy and collection of taxes voted; to provide for the curing of such variances; and to provide further what constitutes submission of purposes to which the proceeds of such tax shall be devoted within the provisions of the Special School Tax Amendment to the State Constitution.

By Mr. Hill:

H. 335. To amend Schedule 79 of Section 348 of Article 13, Chapter 3, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

By Mr. Chichester:

H. 324. To amend Schedule 43 of Section 348 of Article 13, Chapter 3, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

By Mr. Chichester:

H. 323. To amend Schedule 86 of Section 348 of Article 13, Chapter 3, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

By Mr. Chichester:

H. 322. To amend Schedule 56 of Section 348 of Article 13, Chapter 3, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

By Mr. Chichester:

H. 321. To amend Schedule 35 of Section 348 of Article 13, Chapter 3, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

By Mr. Chichester:

H. 320. To amend Schedule 32 of Section 348 of Article 13, Chapter 3, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

By Mr. Reeder:

H. 299. To amend Schedule 117 of Section 348 of Article 13, Chapter 3, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

By Mr. Lusk:

H. 271. To amend an act entitled, "An Act to Regulate Further the Financing of Public Improvements, to Permit the Reduction or Abatement of Assessments Therefor in Certain Cases, to Provide for the Refunding of Bonds Issued Therefor and to Validate Proceedings Heretofore Taken Relating Thereto in Cities Having a Population of as Many as Fifty Thousand and Less Than One Hundred Thousand People According to the Last Federal Census or any Such Census which may Hereafter be Taken," approved September 2, 1935, so as to make the provisions of said Act apply to cities having a population of twenty four thousand and less than one hundred thousand people according to the last Federal census or any such census which may hereafter be taken.

By Mr. Castleberry:

H. 206. To amend Section 2124 and 2125 of the 1923 Code of Alabama.

By Mr. Swift:

S. 88. To amend Schedule 84 of Section 348 of Article 13, Chapter 3, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

By Mr. Starnes:

S. 64. To provide for the appointment by Circuit Judges of Court Bailiffs in all Circuits composed of more than one County and having two Circuit Judges and to provide for the compensation of such bailiffs.

By Mr. Staples:

H. 360. To provide for the conversion or exchange of coupon bonds into registered bonds of the same series, denominations and maturities and for the conversion or exchange of registered bonds into coupon bonds of the same series, denominations and maturities

so that coupon bonds and registered bonds of the same series, denominations and maturities shall be interchangeable, at the option of the holder thereof, of all bonds of the State of Alabama of every kind and character heretofore issued which constitute a direct obligation of the State of Alabama and for the payment of which the full faith and credit of the State of Alabama is pledged; to provide for such conversions or exchanges; to fix the duties of the Governor and State Treasurer relative thereto; to fix the fees to be paid for such conversions or exchanges; to provide for the period during which no such conversions shall be made; to provide for an additional clerk for the State Treasurer; and to provide for the repeal of all laws and parts of laws, general, special, local and private, in conflict with the provisions of this Act."

Mr. Harrison, Chairman of the Standing Committee on Ways and Means, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

By Mr. Swift (by request) (with amendment):

S. 137. To amend Schedule 42 of Section 348 of Article 13, Chapter 3, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Mr. Delony, Chairman of the Standing Committee on Appropriations, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. DeVane:

H. 373. To amend Part 4 of Subdivision VIII of Section 1 of an act entitled an Act to make appropriations for the ordinary expenses of the Executive, Legislative and Judicial Departments of the State, for the interest on the public debt, and for the public schools, approved September 6, 1935.

Mr. Britton, Chairman of the Standing Committee on Insurance and Insurance Companies, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Owens (Madison):

H. 351. To amend Section 2 of an act of the Legislature of 1935, approved September 14, 1935, and entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation

Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled 'An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system and for other purposes'; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act."

Mr. Glover, Chairman of the Standing Committee on Local Legislation No. One, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. Woodall (with notice and proof):

S. 148. To ratify and approve the payment of \$171.71 that was made by the Treasurer of Elmore County, Alabama to the Southern Bell Telephone and Telegraph Company, Incorporated, upon warrants drawn on claims that were approved by the Court of County Commissioners of said County for a telephone for the office of the County or Deputy Solicitor of said County during the time between the dates of January 15, 1928 and January 15, 1934, both inclusive. Said sum of \$171.71 having been paid as aforesaid under and by virtue of an Act of the Legislature of Alabama, entitled "An Act To amend an Act "To authorize the Court of County Commissioners, the Board of Revenue and Road Commissioners, or like body, in each County in the State to provide telephones for the office of clerks and registers of the circuit courts, the office of the sheriff, the office of the jailer, and the judge of probate of their respective counties," approved September 25, 1919", General Acts of Alabama of 1927, page 218, which said Act having heretofore been declared invalid by the Attorney General of Alabama, as to the payment of said sum.

By Mr. Tolbert (with notice and proof):

H. 393. To provide for the payment to the Clerk and/or Sheriff of DeKalb County of all costs and fees accruing after the passage of this Act which would otherwise be payable out of the Fine and Forfeiture Fund of DeKalb County to be paid quarterly out of the General Fund of said County instead of out of the Fine and For-

feiture Fund of said County; to provide for the method, manner and time of payment of the same and make the same a preferred claim against the General Fund of said County, and to provide that nothing in this Act contained shall otherwise affect the law with reference to the Fine and Forfeiture Fund of DeKalb County.

By Mr. Almon (with notice and proof):

H. 404. To repeal an act entitled an act, To regulate the business of money brokers and persons who lend money for themselves or others on bill of sale, notes or mortgages on personal property or other personal security, in Jefferson, Morgan, Walker and Etowah Counties.

By Mr. Fletcher (with notice and proof):

S. 150. For the relief of W. E. Butler, Probate Judge of Madison County, Alabama.

By Mr. Reeder (with notice and proof):

H. 399. To relieve all persons in Lauderdale County, Alabama, of any legal obligation to work on the public roads or streets in said county, or to pay any money in lieu of such obligation to work on the public roads or streets in Lauderdale County, Alabama.

By Mr. Lusk (with notice and proof):

H. 394. To establish the Attalla-Gadsden Sanitary District in Etowah County, Alabama, and define the boundaries, powers, duties and authority thereof; to create a commission composed of five resident adult citizens of said district as the governing body of said Sanitary District, and to define the jurisdiction, powers, duties and authority of said Commission and to fix the terms of office and provide for the appointment of the members thereof; to authorize said Sanitary District and said Commission to borrow money and issue bonds or other obligations to pay therefor, for the construction of sewer pipe lines, conduits and excavations and other structures and works in connection therewith and treatment of purification plants and other structures and appliances in connection therewith in said Sanitary District; to authorize and empower said Sanitary District and said Commission to charge and collect for the use of or the connecting with said sewer pipe lines, conduits and other structures and said treatment or purification plants and other structures, and to do all things and exercise all rights and powers heretofore conferred upon sanitary districts in the state, or which may hereafter be conferred upon them, by law, and to do all things necessary, proper or advantageous in the construction, establishment and maintenance of all structures, pipe lines, conduits or appliances in the collection, carrying away, disposal of, or treatment and purification of sewage, drainage and the like in said District, and to confer upon said Sanitary District the powers of a public

corporation and of eminent domain for the acquirement of lands, properties, easements and rights of way and to authorize said Sanitary District and said Commission in the name thereof to sue and to be sued in the courts in matters relating to the property, property rights, construction, operation and maintenance of the business of said District in the collection, disposal, treatment and purification of sewage and the drainage in said District.

Mr. Connor, Chairman of the Standing Committee on Local Legislation No. Two, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Simpson:

S. 140. To create and establish in each city of the State of Alabama which has a population of 100,000 or more people, according to the last Federal Census, or which may hereafter have a population of 100,000 or more people, according to any subsequent Federal census, a city wide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or part from the public funds of such cities; to create a Citizens Supervisory Commission and to create a Personnel Board and other agencies for the supervision and administration of said system in each of such cities; to define the scope and extent of said system and the powers, duties and authority of said Commission, Board and other agencies; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such Personnel; to provide for payment of the expenses of each such agency; to provide penalties for the violation of this Act and of rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof.

Mr. Street, Chairman of the Standing Committee on Public Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favor-

By Mr. Stephens:

S. 89. To amend Sections 5 and 12 of an Act approved September 14, 1935, entitled "An Act to authorize, provide for, and regulate non-profit corporations for the establishment, maintenance and furnishing of a plan of hospitalization and hospital service."

Mr. Calhoun, Chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. Arnold:

H. 401. To amend Section 7235 of the Code of Alabama, 1923.

By Mr. Arnold:

H. 402. To amend An Act entitled "An Act to establish a more humane system for caring for the needy aged in the State of Alabama and the several counties thereof, by providing for old age pensions; to define the persons entitled thereto, and to provide for the ascertainment and determination of the qualifications of applicants therefor; to further provide for and regulate the payment of pensions under Article 1 of Chapter 55 of the Code of Alabama of 1923, as amended; to provide for the payment thereof; to make an appropriation for the same; to provide for a lien on the property of certain recipients of old age pensions and to provide for the enforcement thereof, to provide for the administration of such system and to define offenses against this Act and to fix punishment for such offenses; and to provide for cooperation with the Government of the United States and its agencies in caring for the needy aged; and to repeal all laws in conflict herewith" as follows:

Mr. Parish (Henry) Chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Norman (Bullock):

H. 228. To provide a Local Option Stock Law for the State of Alabama, with the County as the Unit, to provide for the holding of Elections in the various counties of the State, for the approval or rejection of a Stock Law; to prohibit the running at large of cattle or livestock in any county where a majority of the qualified electors of such county have voted in favor of a Stock Law; to fix the liability of owners or managers of cattle or livestock running at large in such counties; to provide for the enforcement of such liability, for the seizure of such cattle or livestock running at large, and for the sale or disposition of such cattle or livestock; and to repeal all laws in conflict with this Act:

The above and foregoing bills were severally read a second time and placed on the Calendar.

SECOND READING OF PROPOSED CONSTITUTIONAL AMENDMENTS

Mr. Taylor, Chairman of the Standing Committee on Constitution and Constitutional Amendments, reported that said committee, in session, had acted on the following bills and House joint resolution and ordered same returned to the House with a favorable report:

By Mr. Walker:

H. 398. A Bill to be entitled An Act to submit to the qualified voters of the State at the next general election to be held on the first Tuesday after the first Monday in November 1936 for their consideration, an Amendment to the Constitution of the State of Alabama to be known as Amendment No. _____ to fix the compensation of the Probate Judge, the Tax Collector and the Tax Assessor of Limestone County.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration as hereinafter set forth, namely:

"Amendment to Constitution by the addition of Section _____ From and after the _____ day of _____, 19____, the Probate Judge, the Tax Collector and the Tax Assessor of Limestone County shall each continue to collect all fees, charges, benefits and penalties accruing to such offices or to the holders thereof and shall pay the same into, and the same shall be covered into the general fund of the Treasury of Limestone County. Thereafter the Probate Judge shall be paid out of the General Fund of the Treasury of said County in equal monthly installments the sum of Six Thousand Dollars, (\$6,000.00) and no more per annum as salary and as reimbursement for his clerk hire, and the Tax Collector and the Tax Assessor shall each be paid the sum of Three Thousand Dollars (\$3,000.00) from the same fund for the same purposes and in the same installments. The Probate Judge, the Tax Collector and the Tax Assessor shall each be provided by the governing body of said County with a furnished office and equipment and supplies for the carrying on of the duties of their respective office, but they shall not be provided with any clerical hire."

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in the State at least four successive weeks next preceding the general election in November, 1936, of the election and the amendment proposed by this Act to be submitted to the qualified voters of the State for their consideration, together with the proposed amendment.

Section 3. That at the general election held on the first Tuesday after the first Monday in November, 1936, the foregoing Amendment shall be submitted to the qualified electors of the State. Upon the ballots used at such election shall be printed the foregoing Amendment as set forth in Section One hereof in full. Following the proposed Amendment on the Ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No". The choice of the elector shall be indicated by a cross mark beside the word expressing his desire.

Section 4. The officers of such general election shall conduct a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon such proposed amendment the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor.

The above and foregoing bill, H. 398, proposing an amendment to the Constitution, was read the second time at length and placed on the Calendar.

By Mr. Posey (Walker):

H. 397. A Bill to be entitled An Act to propose an amendment to the Constitution of Alabama permitting the ad valorem assessment on real estate as hereinafter set out; and to provide for the submission of the proposed amendment to the qualified electors of the State of Alabama at the general election to be held in said State on the 3rd day of November, 1936, as follows:

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama, hereby proposed, to-wit:

After the adoption of this amendment it shall be lawful to assess real estate for taxes in the State of Alabama and in each county thereof as follows: One hundred sixty acres of land or less forty percent of its fair market value; one hundred sixty to two hundred acres at forty-five per cent of its fair market value; two hundred to two hundred forty acres at fifty per cent of its fair market value; two hundred forty to two hundred eighty acres at fifty-five per cent of its fair market value; two hundred eighty to three hundred acres at sixty per cent of its fair market value; three hundred to four hundred acres at sixty-five per cent of its fair market value; four hundred to five hundred acres at seventy per cent of its fair market value; and all over five hundred acres at seventy-five per cent of its market value.

Section 2. This amendment shall be submitted to the qualified electors of the State at the general election to be held for the State of Alabama on the 3rd day of November, 1936.

The above and foregoing bill, H. 397, proposing an amendment to the Constitution, was read the second time at length and placed on the Calendar.

By Mr. Norman (Bullock):

H. 372. A Bill to be entitled an Act to propose an amendment to Section 212, of Article XI, of the Constitution of Alabama of 1901.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment, and the day hereby appointed for such election is at the general election next succeeding the session of the legislature at which this amendment is proposed.

Section 2. The proposed amendment is as follows: Article XI, Section 212. The power to levy taxes shall not be delegated to individuals or private corporations or associations. Provided that this section shall not be so construed as to prevent the legislature from submitting to the qualified electors of this state, from time to time, the question of whether or not proposed new taxes shall be levied, or whether or not rates of taxes already levied shall be increased; nor to prohibit the legislature from providing that proposed new taxes or proposed increases in rates of taxes already levied shall go into effect only when authorized by a majority vote of the qualified electors voting at an election held for the purpose of ascertaining whether or not proposed new taxes shall be levied, or whether or not rates of taxes already levied shall be increased.

Section 3. Notice of the election hereby ordered together with the amendment hereby proposed, shall be given by a proclamation of the Governor which shall be published in one newspaper in each county of the State, once a week for at least four successive weeks next preceding the day hereby appointed for such election.

Section 4. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on said proposed amendment; and on the official ballot printed for such election, there shall be printed the following, viz:

"Shall the following be adopted as Section 212 of Article XI, of the Constitution of Alabama

"Article XI. Section 212. The power to levy taxes shall not be delegated to individuals or private corporations or associations. Provided that this section shall not be so construed as to prevent the legislature from submitting to the qualified electors of this State, from time to time, the question of whether or not proposed new taxes shall be levied, or whether or not rates of taxes already levied shall be increased; nor to prohibit the legislature from providing that proposed new taxes or proposed increases in rates of taxes already levied shall go into effect only when authorized by a majority vote of the qualified electors at an election held for the

purpose of ascertaining whether or not proposed new taxes shall be levied, or whether or not rates of taxes already levied shall be increased."

"Yes-----

"No-----

Section 5. The officers to hold such election shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State, and the election shall be held in all respects in accordance with this Act, the law governing general elections and the constitutional provisions concerning amendments to the Constitution.

Section 6. The votes cast at such election shall be canvassed, tabulated, and return thereof be made to the Secretary of State, and counted in the same manner as in elections for representatives in the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The results of such election shall be made known by a proclamation of the Governor.

The above and foregoing bill, H. 372, proposing an amendment to the Constitution, was read the second time at length and placed on the Calendar.

By Mr. Kelly:

H. 9. A Bill to be entitled An Act to provide and submit to the qualified electors of the State of Alabama, at the next general election to be held on the First Tuesday after the First Monday of November, 1936, an amendment to the Constitution of the State of Alabama, amending Section 49 of Article Four.

Be it enacted by the Legislature of Alabama:

SECTION 1. That the following amendment to the Constitution of the State of Alabama be, and the same is hereby proposed, and an election by the qualified electors of the State is hereby ordered upon such proposed amendment and the day appointed for such election is the First Tuesday after the First Monday of November, 1936, which proposed amendment is as follows:

SECTION 49. The pay of the members of the Legislature shall be Eight (\$8.00) Dollars per day, and ten cents per mile in going to and returning from the seat of government, to be computed by the nearest usual route traveled, and no other compensation, remuneration or emoluments shall be paid any member.

SECTION 2. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclama-

tion of the Governor, which shall be published in one newspaper, once a week, in each county in the State, for four successive weeks next preceding the day hereby appointed for such election. There shall be printed on the official ballot for such election, the proposed amendment, which shall be immediately or as nearly so as possible, under the words, "Shall the following be adopted as Section Forty-nine (49) of Article Four (4) of the Constitution of the State of Alabama? and immediately following the proposed amendment shall be printed the following words, "Yes..... No....." The choice of the elector shall be indicated on such ballot by a cross-mark made by the elector, or under the direction of the elector, opposite the word expressing the elector's choice or desire.

SECTION 3. The officers to hold such election shall be appointed in the same manner and by the same officials as is now provided by the election laws in this State, and the election shall be held in all things in accordance with the provisions of this Act, and the law governing general elections and the Constitutional provisions governing the adoption of amendments to the Constitution.

SECTION 4. The votes cast at such election shall be canvassed, tabulated and return thereof made to the Secretary of State, and counted in the same manner as in elections for Representatives to the Legislature, and if it shall be determined from such canvass of the returns of such election, that a majority of the qualified electors who voted at such election upon the proposed amendment, voted in favor of adopting the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama, and the result of such election shall be made known by proclamation of the Governor in the manner as now provided by law in this State.

The above and foregoing bill, H. 9, proposing an amendment to the Constitution, was read the second time at length and placed on the Calendar.

By Mr. Kelly:

H. 11. A Bill to be entitled An Act to provide and submit to the qualified electors of the State of Alabama, at the General Election to be held on the First Tuesday after the First Monday of November, 1936, for their consideration an amendment to the Constitution of Alabama to be known and designated as ARTICLE -----, providing that the State Department of Public Education and/or Public Schools of Alabama, shall be deemed and declared a Primary Department of the State Government of Alabama, and shall be on a parity with all other Primary Departments of the State of Alabama in the proration and disbursement of the General Revenue of this State, and all appropriations made or which may hereafter be made to the State Board of Education, for the sup-

port, maintenance and operation of the Public Schools of the State of Alabama, including all Elementary Schools, Junior High and Senior High schools, all Normal and Teacher Training schools, all Industrial and Vocational schools, Alabama Polytechnic Institute and the University of Alabama, and all other State Institutions of learning of whatever name known, shall be paid prorata and in the same manner as other appropriations are paid to the other Primary Departments of the State Government of Alabama.

Be it enacted by the Legislature of Alabama:

SECTION 1. That the following amendment to the Constitution of the State of Alabama, to be known and designated as ARTICLE_____, be and the same is hereby proposed, and an election by the qualified electors of the State is hereby ordered upon the proposed amendment and the day for holding such election is hereby fixed and appointed as the First Tuesday after the First Monday of November 1936, which proposed amendment is as follows: ARTICLE_____, The State Department of Public Education and/or Public Schools of Alabama shall be deemed and the same is hereby made a Primary Department of the Government of the State of Alabama, and shall be on a parity with all other Primary Departments of the State of Alabama, in the proration and disbursement of the General Revenues of the State and all appropriations heretofore made or hereafter made to the State Board of Education, for the support, maintenance and operation of the Public Schools of the State of Alabama, including all Elementary schools, Junior High schools, Senior High schools, all Normal and Teacher Training schools, all Industrial and Vocational schools, Alabama Polytechnic Institute, the University of Alabama, and other State Institutions of learning which are or may hereafter be included in the Public School System of the State of Alabama, shall be paid pro rata and in the same manner as other appropriations are paid to the other Primary Departments of the State Government of Alabama.

SECTION 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in each county in the State for four successive weeks next preceding the date hereby appointed for such election. On the official ballot for such election shall be printed the proposed amendment immediately succeeding the words, "Shall the following be adopted as ARTICLE_____ of the Constitution of Alabama?" Immediately after the proposed amendment shall be printed the following: "Yes_____ No_____." The choice of the elector shall be indicated by a cross-mark made by such elector or under such elector's direction opposite the word expressing such elector's desire.

SECTION 3. The officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State and the election shall be held in all things in accordance with this Act, the laws governing general elections and the Constitutional provisions governing the adoptions of amendments to the Constitution of Alabama.

SECTION 4. The votes cast at such election shall be canvassed, and tabulated and returns thereof made to the Secretary of State, and counted in the same manner as in elections for Representatives to the Legislature; if it shall thereupon appear that a majority of the qualified electors who voted in such election upon the proposed amendment voted in favor of same such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by proclamation of the Governor.

The above and foregoing bill, H. 11, proposing an amendment to the Constitution, was read the second time at length and placed on the Calendar.

By Mr. Steele:

H. J. R. 11. Be IT RESOLVED By the House of Representatives of the State of Alabama, the Senate concurring, that the following amendment to the Constitution of Alabama be submitted to the electorate of the State of Alabama for their ratification or rejection.

Public education is hereby declared to be an essential and primary function of government in this state. The legislature shall from time to time, in addition to funds specifically set aside for educational purposes and in such a manner as in its opinion will tend to equalize educational opportunities throughout the state and encourage local initiative and support, appropriate monies out of the state treasury for educational purposes which shall be paid on the basis set up below. It shall be unlawful for the Comptroller or like officer of the State of Alabama to draw any warrant or other order for the payment of money belonging to or administered by the State of Alabama upon the State Treasurer unless and until it shall have been certified to such Comptroller or like officer by such Treasurer that there is then in the hands of such Treasurer money available and appropriated for the full payment of the same. All appropriations now or hereafter made shall be either (a) Absolute, or (b) Conditional.

(a) The following shall be absolute appropriations, shall have preference over conditional appropriations, and, to the limit of the money in the hands of the Treasurer available therefor, shall be payable in full in the order named:

1. Appropriations for payment of interest or principal or sinking fund on the public debt or on trust funds covered into the State Treasury.

2. Per capita appropriations to eleemosynary and correctional institutions and the Alabama School for Deaf and Blind.

3. Appropriations to make effective any constitutional or statutory provisions earmarking and setting apart any certain tax, excise, income or charge for a designated use or purpose, not including appropriations to be paid from the State's General Fund.

(b) All other appropriations shall be conditional appropriations, and shall be payable in full only in the event that after providing for payment of the absolute appropriations there remains in the hands of the Treasurer money available for the full payment of all such conditional appropriations; and in case there is insufficient money available for such full payment, then the money available shall be prorated without any discrimination, and each such conditional appropriations shall be payable in the proportion which the money available bears to the total of all such conditional appropriations. At the end of each fiscal year all unpaid conditional appropriations which exceed the amount of money in the State Treasury subject to the payment of the same, after such pro-ration, shall thereupon become null and void to the extent of such excess.

The above and foregoing House joint resolution, H. J. R. No. 11, proposing an amendment to the Constitution, was read the second time at length and placed on the Calendar.

By Mr. Kelly:

H. 10. A Bill to be entitled An Act to provide and submit to the qualified electors of the State of Alabama, at the general election to be held on the First Tuesday after the First Monday of November, 1936, for their consideration an amendment to Constitution of Alabama, amending Sections 197 and 198 of Article Nine, and annulling Sections 199, 200, 201 202 and 203 of said ARTICLE NINE.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of the State of Alabama be, and the same is hereby proposed, and an election by the qualified electors of the State is hereby ordered upon such proposed amendment, and the day appointed for such election is the First Tuesday after the First Monday of November, 1936, which said amendment is as follows: SECTION 197—The number of Senators shall be Twenty-five (25) and shall be residents of and elected from the several Congressional Districts of Alabama, as follows: Three from each Congressional District, except the Ninth (9) Congressional District shall be entitled and shall elect but one. No Two Senators shall reside in or be elected

from the same county. SECTION 198—The House of Representatives shall consist of not more than seventy-one (71) members, unless new counties are created, in which event each new county shall be entitled to elect one representative. One member of the House of Representatives shall be elected from each county in this State; provided the county of Jefferson shall be entitled to elect Three members and the counties of Mobile and Montgomery shall each be entitled to elect Two members, and each member of the House of Representatives shall be a resident citizen of the county in which such representative is elected. That Sections 199, 200, 201, 202 and 203 of Article Nine (9) be annulled and set aside.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper, once a week, in each county in the State, for at least four successive weeks, next preceding the date hereby appointed for such election. On the official ballot for such election shall be printed the proposed amendment, which shall be immediately under the words, "Shall the following be adopted as an amendment to the Constitution of Alabama?" SECTION 197—The number of Senators shall be Twenty-five (25) and shall be residents of and elected from the several Congressional Districts of Alabama, as follows: Three Senators shall be elected from each Congressional District, except, the Ninth Congressional District shall be entitled to and shall elect but one Senator. No Two Senators shall reside in or be elected from the same county. SECTION 198—The House of Representatives shall consist of not more than Seventy-one (71) members, unless new counties are created, in which event, each new county shall be entitled to and shall elect one representative. One member of the House of Representatives shall be elected in each county in this State; provided the county of Jefferson shall be entitled to and shall elect three representatives, and the counties of Mobile and Montgomery shall each be entitled to and shall elect Two representatives, and each member of the House of Representatives shall be a resident citizen of the county in which such representative is elected. That Sections 199, 200, 201, 202 and 203 of ARTICLE NINE be annulled and set aside, and immediately following the proposed amendment shall be printed the following words, "Yes..... No....." The choice of the elector shall be indicated by a cross-mark made by the elector, or under the elector's direction, opposite the word expressing the elector's choice or desire.

Section 3. The officers to hold such election shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to elections in this State, and the election shall be held in all things in

accordance with the provisions of this Act, the law governing general elections and the Constitutional provisions concerning Amendments to the Constitution.

SECTION 4. The votes cast at such election shall be canvassed, tabulated and return thereof made to the Secretary of State and counted in the same manner as in elections for Representatives to the Legislature, and if it shall appear from such canvass of the returns of said election, that a majority of the qualified electors who voted at such election, upon the proposed amendment, voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama, and the result of such election shall be made known by proclamation of the Governor in the manner now provided by law.

The above and foregoing bill, H. 10, proposing an amendment to the Constitution, was read the second time at length and placed on the Calendar.

By Mr. Rayburn:

H. 400. PROPOSED AMENDMENT TO THE CONSTITUTION OF 1901. The following amendment to the Constitution of 1901 is hereby proposed by the Legislature, in accordance with the requirements of Section 284 of the Constitution, providing a mode of amending the Constitution, to-wit:

1. All funds and revenues of the State, raised by licenses, taxes, or otherwise, shall be covered into the general fund of the State, to be paid out only on appropriations made by the Legislature by bills regularly passed by both Houses and approved by the Governor. Such appropriations shall give preference to interest and payment of the public debt and to the ordinary expenses of government; after which, appropriations shall be made for all other activities of the State, in conformity to the will of the Legislature.

2. The above and foregoing proposed amendment shall be submitted to the voters of the State at a general election to be held on the first Tuesday after ninety days from the final adjournment of the Legislature. Notice of such election, together with the proposed amendment, shall be given by proclamation of the Governor, which shall be published in every county once a week for four consecutive weeks in a newspaper published in said county, or in case no newspaper is published in said county, by posting the same at the courthouse door of said county.

The above and foregoing bill, H. 400, proposing an amendment to the Constitution, was read the second time at length and placed on the Calendar.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 57. To authorize, require and provide for payment of the sum of Eighteen Hundred Eighty Dollars (\$1,880.00) for the relief of F. H. Gilliam, former Tax Collector of Madison County, said sum being an amount paid by him to the State of Alabama on charges made against him in a report of an examination of his office, for being delinquent 188 days in making final settlement with the State.

S. 65. To regulate school warrants, school finances, and school tax elections, to validate certain school warrants and indebtedness, and to repeal laws in conflict therewith.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing Message from the Senate.

REPORT OF STANDING COMMITTEE ON ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Enrolled Bills reports that it has examined the following House bills, and finds same correctly enrolled, to-wit:

H. 58. To define turpentine gum (oleoresin) and the products as processed therefrom by the original producer as agricultural commodities and agricultural farm products.

Also:

H. 70. To Amend Section 4589 of the 1923 Code of Alabama. Relates to a second or subsequent premium on insurance policies.

Also:

H. 176. To amend Section 1 of an act entitled "An Act to authorize the Court of County Commissioners of Limestone County, Alabama, to levy a tax or privilege license on all persons selling, or keeping in storage for sale, gasoline, Woco Pep, or any other motor fuel used by self propelled vehicles, and to provide rules, regula-

tions and machinery for the collection thereof; and to provide penalties for the violation of such rules and regulations", approved August 5, 1927.

Also:

H. 221. To provide funds for the maintenance and operation of a County Health Department under direction of the County Health Officer of Mobile County; to repeal all laws in conflict herewith, and to fix the time when this act shall become effective.

Also:

H. 227. To repeal an Act entitled "An Act To require the Board of School Commissioners of Mobile County to permit each school teacher to be absent from her or his duties for not more than ten school days during each school year without loss of pay, and to require a certificate of ill health by said teacher in order to secure the advantages of this act"; approved March 8, 1933.

Also:

H. 247. To authorize Mobile County, in the State of Alabama, to issue bonds from time to time, not exceeding in the aggregate \$1,600,000.00, which bonds, or the proceeds thereof, shall be used exclusively for paying valid and enforceable unbonded obligations of Mobile County, and unbonded obligation of Mobile County which would be valid and enforceable but for the provision or provisions of the Constitution of Alabama of 1901 fixing the debt limit of said county, and all past due interest and principal on any valid and enforceable bonded obligations of said county existing on September 30th, 1936; to provide the manner, method, interest rate, maturity, and all necessary details relative to the issuance and selling of such bonds and the retirement thereof; to provide for the manner and method of retiring the obligations which are to be refunded hereunder; to provide that the holder of any such unbonded obligation entitled to be refunded under this act, existing on the 30th day of September, 1936, and not registered with the Treasurer of Mobile County, must present the same for registration to the Treasurer of Mobile County, on or before the 1st day of November, 1936, or the same shall not be entitled to the benefits of this act; to provide what notice shall be given to the holders of such unbonded and unregistered obligations existing on the 30th day of September, 1936; and to provide that the invalidity or unconstitutionality of any section, clause, or provision of this act shall not affect the validity or constitutionality of any other section, clause, or provision hereof; and to provide for the repeal of all laws or parts of laws, special, general, local, or private, in conflict with the provisions of this act.

Also:

H. 259. To provide for additional clerks in the offices of the Probate Judge, Tax Collector, Tax Assessor, Clerk and Register of the Circuit Court, of Mobile County; to fix the method and basis of their appointment and compensation and to designate the fund from which payable. To repeal all laws in conflict herewith; to provide that the partial invalidity of this act shall not affect the remainder hereof; and to fix the time when this act shall become effective.

Also:

H. 260. To appropriate out of any monies collected as fees now or afterwards in possession of the Probate Judge of Mobile County \$150.00 per month and the pro rata fractional part thereof, from November 20th 1935 to the date of the passage of this act, to the person who has been performing necessary work as an assistant tax redemption clerk in said Probate Court. Said sums to be in compensation for said services which have been rendered. To provide the method of payment thereof. To repeal all laws in conflict herewith and to fix the time when this act shall become effective.

Dan Gullett Cook,
Chairman.

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the bills had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

REPORT OF STANDING COMMITTEE ON ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed Bills begs leave to report that said committee, in session, has compared the following engrossed bills with the original bills and finds same correctly engrossed, to-wit:

H. 145. To authorize by law, members of Board of Revenue, County Commissioners or like officers, of all counties in Alabama, with a population according to the last Federal Census, of not less than 45,500 and not more than 54,000, may charge and collect five cents per mile for all mileage made by the hereinbefore named officers, while in the discharge of their official duties, to defray the

expenses of their transportation, including use of automobiles, gas and oil, but in no event shall any officer above named exceed 300 miles any one month for which the respective counties will be liable for said charge; this Act not to apply to any counties now having a charge for road service or which may hereafter have charge for said service; said charge to be paid out of any funds available for said counties effected, and to be paid by warrant drawn by chairman of Board of Revenue, County Commissioners or like officers for said counties.

Also:

H. 171. To amend Section 376 of the Code of Alabama of 1923, as amended by an Act of the Legislature of Alabama of 1927 entitled, "An Act to amend Sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923," approved August 20, 1927, as amended by an Act of the Legislature of Alabama of 1932, Extra Session, approved October 4, 1932, entitled, "An Act to amend Section 376 of the Code of Alabama of 1923 as amended by an Act of the Legislature of Alabama, approved August 20, 1927, entitled: 'An Act to amend Sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923,' found on page 274 of the Acts of 1927, as amended by an Act of the Legislature of Alabama of 1935 entitled, "An Act to amend Section 376 of the Code of Alabama of 1923, as amended by an act of the Legislature of Alabama of 1927 entitled, 'An Act to amend sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923,' approved August 20, 1927."

Also:

H. 256. To amend Section 7795 of the Code of Alabama of 1923, relating to the issuance by clerks and registers of executions on judgments and decrees.

Also:

H. 32. A Bill to be entitled An Act to propose an amendment to Section 59 of Article 4 of the Constitution of Alabama of 1901, and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held at the next regular general election after the final adjournment of the present session of the Legislature at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 59 of Article IV of the Constitution of the State of Alabama of 1901, is hereby proposed so as to make said section read as follows:

"Section 59. No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any office of profit under this State, or any governmental subdivision thereof; nor shall any Senator or Representative, during the term

for which he shall have been elected, receive any compensation, directly or indirectly, from the State of Alabama, or any department, bureau, board or commission thereof, nor from any county, municipality, or district of the State or from any corporation interests in any legislation pending in the House of Representative or Senate of Alabama or any compensation from any corporation that may be affected by any legislation. The acceptance of any appointive office, or the receipt of any compensation in this Section prohibited, by any Senator or Representative shall vacate his office, and he shall no longer be a member of the Legislature of Alabama, and shall not be permitted to attend its sessions, nor vote upon any measure; and his name shall be stricken from the roll of the Senate, or of the House, of which ever he may be a member; and neither the Senate nor the House of Representatives shall have the power, under the authority in this Constitution given it to pass upon the qualifications of its membership, to seat or reinstate any Senator or Representative who violates this Section. Any Senator or Representative may, during the term for which he shall have been elected, be a candidate for any office to be filled by election of the people, and accept the election to any office by the people, but an acceptance of such office shall be a vacation of his office as Senator or Representative."

Section 2. That an election be held upon this proposed amendment at the next general regular election of the State of Alabama, to be held after the adjournment of this session of the Legislature.

Section 3. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in every county in the State, for at least four successive weeks, next preceding the day hereby appointed for such election.

Section 4. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment; and on the official ballot provided for such election, there shall be printed the following, namely: "Shall the following be adopted as an amendment to Section 59 of the Constitution of Alabama so as to make said Section read as follows:"

"Section 59. No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any office of profit under this State, or any governmental subdivision thereof; nor shall any Senator or Representative, during the term for which he shall have been elected, receive any compensation, directly or indirectly, from the State of Alabama, or any department, bureau, board or commission thereof, nor from any county, municipality, or district of the State. The acceptance of any appointive office, or the receipt of any compensation in this Section prohibited, by any Senator or Representative shall vacate his office,

and he shall no longer be a member of the Legislature of Alabama, and shall not be permitted to attend its sessions, nor vote upon any measure; and his name shall be stricken from the roll of the Senate, or of the House, of which ever he may be a member; and neither the Senate nor the House of Representative shall have the power, under the authority in this Constitution given it to pass upon the qualifications of its membership, to seat or reinstate any Senator or Representative who violates this Section. Any Senator or Representative may, during the term for which he shall have been elected, be a candidate for any office to be filled by election of the people, and accept the election to any office by the people, but an acceptance of such office shall be a vacation of his office as Senator or Representative."

Yes_____

No_____

Section 5. The officers of said election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State and the election shall be held in all things in accordance with this Act, the law governing elections and the constitutional provisions concerning amendments to the Constitution.

Section 6. The votes cast at such election shall be canvassed, tabulated and return thereof made to the Secretary of State, and counted in the same manner, as in elections for Representatives to the Legislature; and if it shall appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

M. P. Kelly,
Chairman.

The report of the Standing Committee on Engrossed Bills was concurred in and adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown, and, as amended, has passed the following House bill, and returns same herewith to the House:

H. 178. To amend Schedule 158 of Chapter 6, Article 13 of "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Robertson (Cullman) the House concurred in and adopted the Senate amendment to the bill, H. 178, said Senate amendment being as follows:

Amend H. B. 178 by adding in Section 2 after the words "totally wrecked" the following words "or completely junked".

Yeas, 76; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker

Adams

Almon

Arnold

Austin

Bateman

Blann

Boswell

Braswell

Bridges

Britton

Buffington

Burleson

Byars

Calhoun

Carter

Castleberry

Connor

Cook

Delony

De Vane

Dominick

Doster

Glover

Haley

Hall

Hamner

Hanks

Hare

Hendley

Hill

Hodges

Hollis

Johnston

Jones

Kirby

Langdon

Lee (Monroe)

Livingston

Long

Matthews

Merrill

Miles

Miller

Moore

McGowin

McPhaul

Norman (Lowndes)

O'Neal

Owen (Etowah)

Owens (Madison)

Parish (Henry)

Parish (Pike)

Petrey

Posey (Walker)

Posey (Winston)

Quarles

Reeder

Reid

Reynolds

Robertson (Cullman)

Robinson (Lowndes)

Sanderson

Shaver

Sparks (Walker)

Spence

Steele

Taylor

Terry

Tidmore

Todd

Tolbert

Toomer

Welch

Williams

Wright

—76

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following bill:

By Mr. Simpson:

S. 153. To amend Schedule 158.12 of Section 348, and Sub-section (M) of Section 10, of an Act of the Legislature of 1935, approved July 10, 1935, and entitled: "An Act to provide for the general revenue of the State of Alabama."

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bill, S. 153, the title to which is set out in the above and foregoing Message from the Senate, was read one time and referred to the Standing Committee on Ways and Means.

RECONSIDERATION OF VOTE

On motion of Mr. Taylor the vote by which the bill:

H. 164. A Bill to be entitled An Act to provide for and submit to the qualified electors of the State of Alabama at an election to be held on the first Tuesday after the first Monday November 1936, of the present session of the Legislature, an amendment to the Constitution of Alabama to be as follows: "Section 178 (one hundred, seventy-eight) in Article VIII of the Constitution of Alabama of 1901, shall be amended so that the same shall read as follows: Section 178. To entitle a person to vote at any election by the people, he shall have resided in the State at least two years, in the county one year, and in the precinct or ward three months, immediately preceding the election at which he offers to vote, and he shall have been duly registered as an elector, and shall have paid on or before the first day of February next preceding the date of the election at which he offers to vote, all poll taxes due from him for the year nineteen hundred and thirty-three, and for each subsequent year, provided, that any elector who, within three months next preceding the date of the election at which he offers to vote, has removed from one precinct or ward to another precinct or ward in the same county, incorporated town, or city, shall have the right to vote in the precinct or ward from which he has so removed, if he would have been entitled to vote in such precinct or ward but for such removal. Nothing herein contained shall change, alter or abrogate the provisions of Amendment X Section 194½ to the Constitution of Alabama, but said Amendment shall continue in full force and effect."

Be it enacted by the Legislature of Alabama:

SECTION 1. The following amendment to the Constitution of Alabama is hereby proposed and an election by the qualified electors of the State of Alabama is hereby ordered upon such proposed amendment, and the date appointed for such election is the first Tuesday after the first Monday November 1936, at which this amendment is proposed. The proposed amendment is as follows: "Section 178 (one hundred, seventy-eight) in Article VIII of the Constitution of Alabama of 1901, shall be amended so that the same shall read as follows: Section 178. To entitle a person to vote at any election by the people, he shall have resided in the State at least two years, in the county one year, and in the precinct or ward

three months, immediately preceding the election at which he offers to vote, and he shall have been duly registered as an elector, and shall have paid on or before the first day of February next preceding the date of the election at which he offers to vote, all poll taxes due from him for the year nineteen hundred and thirty-three and for each subsequent year, provided, that any elector who, within three months next preceding the date of the election at which he offers to vote, has removed from one precinct or ward to another precinct or ward in the same county, incorporated town, or city, shall have the right to vote in the precinct or ward from which he has so removed, if he would have been entitled to vote in such precinct or ward but for such removal. Nothing herein contained shall change, alter or abrogate the provisions of Amendment X, Section 194½ to the Constitution of Alabama, but said Amendment shall continue in full force and effect."

SECTION 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each county in the State for at least four (4) successive weeks next preceding the day hereby appointed for such election.

SECTION 3. That at the election on the amendment ordered by this Act, the qualified electors of the State of Alabama shall vote upon such proposed amendment, and on the official ballots printed for said election there shall be printed the following: "Section 178 (one hundred, seventy-eight) in Article VIII of the Constitution of Alabama of 1901, shall be amended so that the same shall read as follows: Section 178, To entitle a person to vote at any election by the people, he shall have resided in the State at least two years, in the county one year, and in the precinct or ward three months, immediately preceding the election at which he offers to vote, and he shall have been duly registered as an elector, and shall have paid on or before the first day of February next preceding the date of the election at which he offers to vote, all poll taxes due from him for the year nineteen hundred and thirty-three, and for each subsequent year, provided, that any elector who, within three months next preceding the date of the election at which he offers to vote, has removed from one precinct or ward to another precinct or ward in the same county, incorporated town, or city, shall have the right to vote in the precinct or ward from which he has so removed, if he would have been entitled to vote in such precinct or but for such removal. Nothing herein contained shall change, alter or abrogate the provisions of Amendment X Section 194½ to the Constitution of Alabama, but said Amendment shall continue in full force and effect.

Yes.....

No....."

SECTION 4. That the votes cast in said election shall be counted, canvassed, tabulated and return made to the Secretary of State in the same manner as provided in elections for Representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such Amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

SECTION 5. Officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the Election Laws of the State for the appointment of officers to hold general elections in this State, and the election shall be held in all things in accordance with this Act, the law governing General Election, and the Constitutional provisions concerning amendments to the Constitution; the expenses of the election, including the cost of the publication of the notice prescribed herein, shall be paid out of the same funds and in the same manner as expenses of General Elections.

Was defeated on the last Legislative Day was reconsidered.

Yeas, 61; Nays, 35.

Yeas:

Messrs.:

Mr. Speaker

Adams

Almon

Arndd

Boswell

Bridges

Braswell

Britton

Buffington

Burleson

Byars

Calloun

Carter

Casterberry

Chiclester

Conmr

Cook

Cox

Delony

De Vane

Douglass

Glover

Goolsby

Hamner

Harrison

Hendley

Henson

Hill

Hodges

Johnston

Jones

Kelly

Kirby

Merrill

Miles

Moore

McDermott

McPhaul

O'Neal

Owen (Etowah)

Owens (Madison)

Parish (Henry)

Parish (Pike)

Petrey

Posey (Walker)

Posey (Winston)

Propst

Quarles

Reeder

Reid

Sanderson

Shaver

Sparks (Walker)

Spence

Taylor

Todd

Tolbert

Tompkins

Wallace

Williams

Wright

—61

Nays:

Messr.:

Austin

Batema

Blann

Denson

Doster

Goodwyr

Haley

Hall

Hanks

Hare

Hollis

Langdon

Lee (Bullock)

Lee (Monroe)

Livingston

Long

Lusk

Matthews

Miller

McGowin

Norman (Bullock)

Norman (Lowndes)

Poole

Reynolds

Robinson (Lowndes)
Sightler
Sparks (Barbour)

Steele
Street
Terry

Tidmore
Toomer
Waldrep

Welch
Whigham

—35

And the bill, H. 164, was restored to the Calendar of the House.

BILLS ON THIRD READING

S. 103. To authorize the Board of Revenue of Houston County, Alabama, to levy and collect a privilege tax on all persons, corporations, copartnerships, companies, agencies, associations and refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naptha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil" "fuel oil" or "crude oil" commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; to authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; to make provisions for the distribution of the funds derived from said privilege tax; to prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis; to repeal the municipal privilege, excise and or license taxes on gasoline, Woco-pep, or any other motor fuel, used by self propelled vehicles which may now be collected or levied by an incorporated city or town in said county; to provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; to repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective.

Was taken up. The question was on the adoption of the substitute reported by the Standing Committee on Local Legislation No. One, said committee substitute being as follows:

Substitute for Senate bill No. 103:

A BILL

A Bill to be entitled An Act to authorize and direct the Board of Revenue of Houston County, Alabama, to levy and collect a privilege tax on all persons, Corporations, Co-partnerships, Companies, Agencies, Associations and Refineries, selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such County, gasoline, naptha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion

tion engines, but not including "kerosene oil," "fuel oil," or "crude oil," commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; to authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax, and to prohibit said Board of Revenue from paying as a fee or compensation for the collection of said privilege tax, more than five per cent (5%) of the amount collected; to make provisions for the distribution of funds derived from said privilege tax; to prohibit any incorporated city or town in said County, less than 10,000 population, according to the last Federal Census or any succeeding Federal Census, from levying or collecting a municipal privilege tax on such motor fuels, or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis; to repeal the municipal privilege, excise and/or license taxes on gasoline, Woco-Pep, or any other Motor Fuel used by self-propelled vehicles, kerosene oil, lubricating oils and greases, which may now be collected or levied by any incorporated City or Town in said County; to provide for the use of the money derived from said privilege tax and fees or compensation for the collection thereof, and to provide penalties for the violation of such rules and regulations; to repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective.

Be it enacted by the Legislature of Alabama:

Section 1. The Board of Revenue of Houston County, Alabama, shall for the purpose of constructing and maintaining public roads, streets, bridges and ferries in Houston County, Alabama, and to retire and pay the outstanding indebtedness against the Fine and Forfeiture Account up to and including April 1, 1936, in Houston County, Alabama, levy and collect a privilege tax of not more than one cent per gallon on all gasoline, naphtha, and other liquid motor fuels or any device or substitutes therefor, commonly used in internal combustion engines; provided, however, that nothing contained herein shall be held to apply to those products known commercially as "kerosene oil," "Fuel oil," or "Crude oil," commonly used for lighting, heating or industrial purposes sold or delivered in said County, for the privilege of selling or delivering same. The Fine and Forfeiture Account in Houston County, Alabama, up to and including April 1, 1936, must be paid off first from the operation of this Act, and then all the funds derived from the operation of this Act must be used exclusively for the purpose of constructing and maintaining public roads, streets, bridges and ferries in said County.

Section 2. That said Board of Revenue shall also provide rules and regulations and machinery for the collection of such privilege tax and said Board of Revenue is hereby authorized to pay as a

fee or compensation for collection thereof, of a sum not greater than five per cent (5%) of the amount collected, and to provide penalties for the violation of such rules and regulations.

Section 3. All of the net proceeds of said privilege tax collected within the corporate limits and police jurisdiction thereof of all incorporated towns or cities in Houston County, Alabama, of more than 10,000 population, according to the last Federal Census and any succeeding Federal Census shall be paid over to such incorporated city or town each month after collected, and all the net proceeds of said privilege tax collected in all other towns or cities within the corporate limits of any incorporated city or town in Houston County, Alabama, shall be paid over to such incorporated city or town each month as collected.

Section 4. After the passage and approval of this Act, it shall be unlawful for any incorporated city or town in said Houston County, Alabama, with less than 10,000 population, according to the last Federal Census or any succeeding Federal Census, to levy or collect a privilege license or excise tax on said motor fuels, or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis. All municipal privilege, excise and/or license taxes on gasoline, Woco-Pep or any other Motor Fuel used by self-propelled vehicles, kerosene oil, lubricating oils and greases, now being levied or collected by any incorporated City or Town in said County are hereby expressly repealed.

Section 5. All such privilege taxes to be levied or imposed under this Act, and the money derived therefrom shall be used exclusively for the purposes of constructing and maintaining public roads, streets and bridges and ferries, and to retire and pay the outstanding indebtedness against the Fine and Forfeiture Account up to and including April 1, 1936, in said County of Houston, Alabama, and in any incorporated city or town, such privilege tax to be levied or imposed under this section, and moneys derived therefrom collected and paid over to such incorporated city or town in said county shall be used by such incorporated city or towns in such manner and for such purposes as the governing authority of such incorporated city or town may provide.

Section 6. This Act shall take effect on the first of the month next succeeding its passage and approval, and after said Board of Revenue of Houston County, Alabama has levied or imposed a privilege tax of not more than one cent per gallon on all gasoline, naphtha, and other liquid motor fuels or any other device or substitute therefor, commonly used in internal combustion engines.

And the substitute was adopted.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Delony	Kirby	Reid
Adams	Denson	Long	Shaver
Almon	De Vane	Lusk	Sightler
Arnold	Dominick	Merrill	Spence
Austin	Doster	Miles	Steele
Blann	Glover	Miller	Street
Boswell	Goolsby	Moore	Taylor
Braswell	Haley	McGowin	Terry
Bridges	Hanks	McPhaul	Todd
Britton	Hare	Norman (Lowndes)	Tolbert
Bulger	Hendley	O'Neal	Toomer
Byars	Henson	Petrey	Waldrep
Calhoun	Hill	Poole	Wallace
Carter	Hodges	Propst	Welch
Connor	Hollis	Quarles	Williams
Cook	Jones	Reeder	Wright
Cox	Kelly		

—66

And the bill:

S. 103. To authorize the Board of Revenue of Houston County, Alabama, to levy and collect a privilege tax on all persons, corporations, copartnerships, companies, agencies, associations and refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naphtha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil" "fuel oil" or "crude oil" commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; to authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; to make provisions for the distribution of the funds derived from said privilege tax; to prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis; to repeal the municipal privilege, excise and or license taxes on gasoline, Woco-pep, or any other motor fuel, used by self-propelled vehicles which may now be collected or levied by any incorporated city or town in said county; to provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; to repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective.

As amended by the substitute, was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:**Messrs.:**

Mr. Speaker
 Adams
 Almon
 Arnold
 Austin
 Blann
 Boswell
 Braswell
 Bridges
 Britton
 Bulger
 Byars
 Calhoun
 Carter
 Connor
 Cook
 Cox

Delony
 Denson
 De Vane
 Dominick
 Doster
 Glover
 Goolsby
 Haley
 Hanks
 Hare
 Hendley
 Henson
 Hill
 Hodges
 Hollis
 Jones
 Kelly

Kirby
 Long
 Lusk
 Merrill
 Miles
 Miller
 Moore
 McGowin
 McPhaul
 Norman (Lowndes)
 O'Neal
 Petrey
 Poole
 Propst
 Quarles
 Reeder

Reid
 Shaver
 Sightler
 Spence
 Steele
 Street
 Taylor
 Terry
 Todd
 Tolbert
 Toomer
 Waldrep
 Wallace
 Welch
 Williams
 Wright

—66

H. 352. To authorize the payment of the per diem and mileage of the members of the Court of County Commissioners of Marion County, Alabama, from the gasoline funds received by said County from the State.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:**Messrs.:**

Mr. Speaker
 Adams
 Almon
 Arnold
 Austin
 Blann
 Boswell
 Braswell
 Bridges
 Britton
 Bulger
 Byars
 Calhoun
 Carter
 Connor
 Cook
 Cox

Delony
 Denson
 De Vane
 Dominick
 Doster
 Glover
 Goolsby
 Haley
 Hanks
 Hare
 Hendley
 Henson
 Hill
 Hodges
 Hollis
 Jones
 Kelly

Kirby
 Long
 Lusk
 Merrill
 Miles
 Miller
 Moore
 McGowin
 McPhaul
 Norman (Lowndes)
 O'Neal
 Petrey
 Poole
 Propst
 Quarles
 Reeder

Reid
 Shaver
 Sightler
 Spence
 Steele
 Street
 Taylor
 Terry
 Todd
 Tolbert
 Toomer
 Waldrep
 Wallace
 Welch
 Williams
 Wright

—66

On motion of Mr. Hill, the bill, H. 352, was ordered sent forthwith to the Senate without engrossment.

H. 389. To abolish the fine and forfeiture fund of Lowndes County, Alabama; to provide for the payment into the General Fund of said county, all of the moneys which under existing laws, or laws hereinafter enacted, are payable into said fine and forfeiture

fund; to provide that witnesses summoned on behalf of the State and all other claims which are payable out of the fine and forfeiture fund of Lowndes County shall, in the future, be paid out of the General Fund of said County; to fix the priorities of said claims; to provide for the registration of the same; to regulate the payment of the same; and to validate all witness certificates and claims now outstanding against the fine and forfeiture fund.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Delony	Kirby	Reid
Adams	Denson	Long	Robinson (Lowndes)
Almon	De Vane	Lusk	Shaver
Arnold	Dominick	Merrill	Spence
Austin	Doster	Miles	Steele
Blann	Glover	Miller	Street
Boswell	Goolsby	Moore	Taylor
Braswell	Haley	McGowin	Terry
Bridges	Hanks	McPhaul	Todd
Britton	Hare	Norman (Lowndes)	Tolbert
Bulger	Hendley	O'Neal	Toomer
Byars	Henson	Petrey	Waldrep
Calhoun	Hill	Poole	Wallace
Carter	Hodges	Propst	Welch
Connor	Hollis	Quarles	Williams
Cook	Jones	Reeder	Wright
Cox	Kelly		

—66

On motion of Mr. Robinson (Lowndes) the bill, H. 389, was ordered sent forthwith to the Senate without engrossment.

RESOLUTION

Mr. Taylor offered the following resolution:

By Mr. Taylor:

H. R. 40. Be it resolved that S. B. 51 be made a special paramount continuing order of business until acted on.

The resolution was referred to the Standing Committee on Rules.

BILL ON THIRD READING

S. 16. To authorize and empower the governing bodies of each of the several counties composing the Twenty-first Judicial Circuit of Alabama, namely, the counties of Baldwin, Conecuh, Escambia and Monroe, by resolution duly adopted and entered of

record on the minutes of said governing bodies, or either of them, to pay to the Circuit Judge of said Circuit the sum of Twenty-five Dollars (\$25.00) per month, per county; said sums, when so paid by each of said counties, to be in lieu of all expenses now allowed by law to said Circuit Judge while in his own Circuit.

Was taken up. Mr. Chichester offered the following amendment to the bill, S. 16:

"Amend S. B. 16 by including all judicial circuits of Alabama."

On motion of Mr. Moore the amendment was laid on the table.

And the bill:

S. 16. To authorize and empower the governing bodies of each of the several counties composing the Twenty-first judicial Circuit of Alabama, namely, the counties of Baldwin, Conecuh, Escambia and Monroe, by resolution duly adopted and entered of record on the minutes of said governing bodies, or either of them, to pay to the Circuit Judge of said Circuit the sum of Twenty-five Dollars (\$25.00) per month, per county; said sums, when so paid by each of said counties, to be in lieu of all expenses now allowed by law to said Circuit Judge while in his own Circuit.

Was read a third time at length and defeated for lack of a two-thirds majority required by the Constitution for legislation not included in the Governor's call for the Special Session.

Yeas, 47; Nays, 37.

Yeas:

Messrs.:

Adams	Goodwyn
Almon	Goolsby
Arnold	Hamner
Blann	Hendley
Boswell	Hill
Braswell	Hodges
Bridges	Hollis
Britton	Langdon
Calhoun	Lee (Bullock)
Cox	Lee (Monroe)
Denson	Livingston
Glover	Miller

Moore	Shipman
McDermott	Sparks (Barbour)
McGowin	Steele
McPhaul	Taylor
Owens (Madison)	Tolbert
Parish (Henry)	Tompkins
Petrey	Toomer
Posey (Winston)	Waldrep
Reeder	Wallace
Reid	Welch
Reynolds	Whigham
Sanderson	

—47

Nays:

Messrs.:

Mr. Speaker
Austin
Bateman
Bulger
Burleson
Byars
Carter
Castleberry
Chichester
Connor

Delony
Doster
Haley
Johnston
Jones
Kelly
Long
Lusk
Matthews

Merrill
Norman (Bullock)
Norman (Lowndes)
O'Neal
Poole
Posey (Walker)
Quarles
Robinson (Lowndes)
Shaver

Sightler
Sparks (Walker)
Spence
Street
Terry
Tidmore
Todd
Williams
Wright

—37

BILL INDEFINITELY POSTPONED

Mr. Sparks (Barbour) made the point of order that the bill:

H. 21. In reference to and to further provide for the general revenue of the State of Alabama. Was the unfinished business of the House. The chair ruled that the point was not well taken.

Mr. Kelly moved that H. 21 be taken up for immediate consideration and the motion was lost for lack of a four-fifths majority required by rules of the House.

Yeas, 57; Nays, 40.

Yeas:

Messrs.:

Mr. Speaker	Haley	McGowin	Shipman
Adams	Hall	Norman (Bullock)	Sightler
Austin	Hamner	Norman (Lowndes)	Sparks (Barbour)
Bateman	Hare	Parish (Henry)	Spence
Braswell	Hill	Parish (Pike)	Street
Britton	Johnston	Petrey	Taylor
Bulger	Jones	Poole	Tidmore
Burleson	Kelly	Posey (Walker)	Todd
Calhoun	Lee (Bullock)	Quarles	Tompkins
Chichester	Livingston	Rayburn	Waldrep
Cook	Long	Reeder	Wallace
Dominick	Matthews	Robinson (Lowndes)	Welch
Doster	Moore	Sanderson	Whigham
Douglass	McDermott	Shaver	Williams
Goolsby			

—57

Nays:

Messrs.:

Almon	Denson	Kirby	Posey (Winston)
Arnold	De Vane	Langdon	Propst
Blann	Glover	Lee (Monroe)	Reid
Boswell	Goodwyn	Lusk	Reynolds
Bridges	Hanks	Miles	Sparks (Walker)
Byars	Harrison	Miller	Steele
Carter	Hendley	McPhaul	Terry
Castleberry	Henson	O'Neal	Tolbert
Cox	Hodges	Owen (Etowah)	Toomer
Delony	Hollis	Owens (Madison)	Wright

—40

Mr. Kelly moved that all bills on the House Calendar down to H. 21 be postponed until the next Legislative Day. Mr. Harrison offered an amendment to Mr. Kelly's motion postponing all bills on the House Calendar down to H. 21 after H. 132 had been disposed of. And the amendment offered by Mr. Harrison was defeated.

Yeas, 48; Nays, 49.

Yeas:

Messrs.:

Mr. Speaker

Almon	Denson
Arnold	De Vane
Blann	Douglass
Boswell	Glover
Braswell	Goolsby
Bridges	Hamner
Byars	Hanks
Carter	Harrison
Castleberry	Hendley
Cox	Henson
Delony	Hill
	Hodges

Hollis
Johnston
Kirby
Langdon
Lee (Monroe)
Miles
Miller
McPhaul
O'Neal
Owen (Etowah)
Owens (Madison)
Parish (Pike)

Posey (Walker)
Posey (Winston)
Reid
Reynolds
Sightler
Sparks (Walker)
Steele
Terry
Tolbert
Tompkins
Toomer
Wright

—48

Nays:

Messrs.:

Adams
Austin
Bateman
Britton
Bulger
Burleson
Calhoun
Chichester
Cook
Dominick
Doster
Goodwyn
Haley

Hall
Hare
Jones
Kelly
Lee (Bullock)
Livingston
Long
Lusk
Matthews
Moore
McDermott
McGowin

Norman (Bullock)	Shipman
Norman (Lowndes)	Sparks (Barbour)
Parish (Henry)	Spence
Petrey	Street
Poole	Taylor
Propst	Tidmore
Quarles	Todd
Rayburn	Waldrep
Reeder	Wallace
Robinson (Lowndes)	Welch
Sanderson	Whigham
Shaver	Williams

—49

And the motion of Mr. Kelly was adopted.

Mr. Kirby moved that the House recess until 2:30 P.M. and the motion was defeated.

Mr. Sparks (Barbour) moved that the bill, H. 21, be indefinitely postponed and the motion was adopted.

Yeas, 61; Nays, 35.

Yeas:

Messrs.:

Mr. Speaker

Adams	Haley
Almon	Hall
Austin	Hanks
Bateman	Hare
Braswell	Jones
Bridges	Kelly
Britton	Kirby
Bulger	Lee (Bullock)
Calhoun	Livingston
Chichester	Long
Cook	Lusk
Dominick	Matthews
Doster	Moore
Glover	McDermott
Goolsby	McGowin

Norman (Bullock)	Shipman
Norman (Lowndes)	Sightler
Owens (Madison)	Sparks (Barbour)
Parish (Henry)	Spence
Parish (Pike)	Street
Petrey	Taylor
Poole	Terry
Posey (Walker)	Tidmore
Posey (Winston)	Todd
Propst	Tompkins
Quarles	Waldrep
Rayburn	Wallace
Robinson (Lowndes)	Welch
Sanderson	Whigham
Shaver	Williams

—61

Nays:

Messrs.:

Arnold	Denson	Hollis	Reeder
Blann	De Vane	Johnston	Reid
Boswell	Goodwyn	Langdon	Reynolds
Burleson	Hamner	Lee (Monroe)	Sparks (Walker)
Byars	Harrison	Miles	Steele
Carter	Hendley	Miller	Tolbert
Castleberry	Henson	McPhaul	Toomer
Cox	Hill	O'Neal	Wright
Delony	Hodges	Owen (Etowah)	

—35

PAIR ANNOUNCED

Mr. Douglass announced a pair with Mr. Connor. If Mr. Connor were present he would vote Yea and Mr. Douglass would vote Nay.

Mr. Sparks (Barbour) moved to reconsider the vote by which the bill, H. 21, was indefinitely postponed and then moved to lay the motion to reconsider on the table. The motion to table the motion to reconsider was adopted.

RESOLUTIONS

Mr. Almon offered the following resolution:

By Mr. Almon:

H. J. R. 41. WHEREAS, the Hon. David E. Lilienthal, director of the Tennessee Valley Authority will be in the capital city on Tuesday, April 7th, 1936,

BE IT RESOLVED by the House of Representatives of the State of Alabama, the Senate concurring, that an invitation be extended to the said Hon. David E. Lilienthal to address a joint session of the House and Senate at 12 o'clock, Noon, on the above date.

On motion of Mr. Almon the rules were suspended and the resolution, H. J. R. 41, was adopted.

Mr. Welch offered the following resolution:

By Mr. Welch:

H. R. 42. Resolved, that House bill No. 306, which relates to the inserting of a call feature in revenue bonds issued by authority of Act 102 of the Legislature of 1933, be made a paramount continuing order of business on the next Legislative day.

The resolution was referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 342. To prohibit and make it unlawful for the Town Council or other governing body of the Town of Castleberry, Alabama to make any contract with or grant any franchise to any public utility company, individual, firm or corporation respecting the furnishing of electricity to the citizens of said town or to the town itself or to renew or extend any such existing contract without first being authorized to do so by the majority of the votes to be cast in an election to be held in which the proposition shall be voted upon.

Also:

H. 340. To provide for the relief of L. W. Gentry, former Treasurer of County School Funds of Lawrence County, Alabama; and to authorize and direct the County Governing Body of Lawrence County to reimburse the said Gentry for premium on the official bond of the Treasurer of School Funds of said County for the year 1932, paid by the said Gentry.

Also:

H. 222. To validate and make a lawful debt of Mobile County, \$8,400.00 in warrants heretofore issued by said county to Headquarters Special Troops 31st Infantry Division, Alabama National Guard and to require the registration and payment thereof out of the consolidated treasury of Mobile County. To repeal all laws in conflict herewith and to fix the time when this act shall become effective.

Also:

H. 343. To authorize and empower the Commissioners Court of Greene County, Alabama to appropriate a sum not to exceed Two Hundred Dollars per annum out of the General Fund of Greene County for the purpose of paying for clerical work necessary in making the reports of the County Depository as required by law.

Also:

H. 103. To amend Section 3238 of the Code of Alabama of 1923 relating to appeals in habeas corpus cases.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate accedes to the request of the House for a Committee of Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 241. To create and establish a Board of Finance and Control in and for Cullman County, Alabama, to be composed of five members, one of whom shall be Chairman of said Board; to fix the qualifications of the Chairman and other members of the said Board; to abolish the Court of County Commissioners of Cullman County, Alabama; to designate the manner of constituting, selecting and appointing the first Board to hold office hereunder, and providing for the appointment of the first Chairman of the said Board by the Governor; to fix the term of office of the first Board holding office hereunder, and their successors in office; to provide for filling vacancies therein, to require the members elected, chosen or appointed hereunder to take the oath of office and give bond; to define the powers and duties of the said Board; to fix the compensation of the members hereof; to confer upon said Board all the jurisdiction, powers and authority that is now or may hereafter be granted by law to Courts of County Commissioners, Boards of Revenue, or other governing bodies of like name and authority in this state; to require the said Board of Finance and Control to employ a Clerk and a Supervisor of Roads and Bridges for the county, and to fix the duties, qualifications and compensations of such Clerk and Supervisor of Roads and Bridges, providing the manner of their payment, and to repeal all laws and parts of laws in conflict with the provisions of this Act; particularly and expressly repealing any and all laws constituting the Judge of Probate as principal judge and member of the Court of County Commissioners, granting judicial power, requiring reports from courts of said county, providing meeting place and time of meeting of said Board.

To provide for the election of all members of said Board at the expiration of the term of office of the first Board constituted hereunder.

And the President has named as a committee on part of the Senate Messrs. Stephens, Carlton and Thomas.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following bills and sends same herewith to the House without engrossment:

By Mr. Mison:

S. 168. To fix the salary and prescribe the duties of the Solicitor of the Law and Equity Court of Franklin County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that the following bill will be offered for passage in the present special session of the Legislature of Alabama:

A BILL TO BE ENTITLED AN ACT

To fix the salary and prescribe the duties of the Solicitor of the Law and Equity Court of Franklin County, Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. The Solicitor of the Law and Equity Court of Franklin County, Alabama, shall receive a salary of Fifteen Hundred Dollars per year, payable One Hundred and Twenty Five Dollars per month, out of the county treasury of said county, on warrant drawn by the judge of said Court.

Section 2. In addition to the duties now required by law of the Solicitor of the Law and Equity Court of said county, he shall, when not otherwise engaged in the performance of his official duties, assist the Circuit Solicitor in the prosecution of criminal cases in the Circuit Court of said county, when requested so to do by said Circuit Solicitor.

Section 3. The Act Approved September 28th, 1923, Local Acts of the Legislature of Alabama of 1923, page 272, is hereby amended so as to conform to the provisions hereof.

Section 4. This Act shall take effect from and after its passage and approval.

W. B. MIXON, Senator,
31st Senatorial District of Alabama.

STATE OF ALABAMA FRANKLIN COUNTY.

Before me, R. P. Sargent, a Notary Public in and for said county and state, personally appeared Betty Callier, who being duly sworn, doth depose and say that the advertisement, a copy of which is hereto attached, was published once a week for four consecutive weeks in the Franklin County Times, a newspaper published in Russellville, Franklin County, Alabama, said advertisement having been published in the issues of said paper published on the following dates, to wit: March 5th, 1936. March 12th, 1936, March 19th, 1936, and March 26th, 1936. Affiant is bookkeeper of said Franklin County Times.

BETTY CALLIER. .

Sworn to and subscribed before me, this 26th day of March, 1936.

R. P. SARGENT,
(Seal) Notary Public.

Also:

By Mr. Mooneyham:

S. 142. A Bill to be entitled An Act to provide for and submit to the qualified electors of the State of Alabama at an election to

be held at the next General Election after the final adjournment of the present session of the Legislature at which this Amendment is proposed, an Amendment to the Constitution of Alabama whereby the County of Montgomery in the State of Alabama may levy and collect a Special County Tax not exceeding 30 cents on each one hundred dollars of taxable property in such county, in addition to that now authorized or that may hereafter be authorized for public school purposes, and in addition to that now authorized under Section 260 of Article XIV and Section 1 of Article XIX of the Constitution, provided that the rate of such tax, the period it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of such County and voted for by a majority of those voting at such election.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of the State of Alabama for their consideration and actions at an election to be held at the next General Election after the final adjournment of the present session of the Legislature at which this amendment is proposed, to-wit: That the County of Montgomery shall have the power and right to levy and collect a Special County Tax not exceeding 30 cents on each one hundred dollars worth of taxable property in such County, in addition to that now authorized or that may hereafter be authorized, for public school purposes; and in addition to that now authorized under Section 1 of Article XIX of the Constitution and Section 260, Article XIV of the Constitution, provided that the rate of such tax, the period it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of such County and voted for by a majority of those voting in such election.

Upon a petition signed by two hundred or more qualified electors of the County of Montgomery to the Court of County Commissioners or other governing body of the county, said Court shall order an election to be held at the time specified by said petition to determine whether or not said County Tax shall be levied for public school purposes within said County, said election to be held and returns made and result declared as provided in Article XIII of the School Code of 1927, or other method provided by general law for holding elections for levying school district taxes.

This Amendment shall be self-executing and no Act of the Legislature shall be required to put the same in force.

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in the State at least four consecutive weeks next preceding the said election on the Amendment proposed by this Act to be sub-

mitted to the qualified electors of the State for their consideration, together with the proposed Amendment.

Section 3. That the said election on the Amendment proposed by this Act to be submitted to the qualified electors of the State for their consideration to be held as herein provided for, the qualified electors shall vote upon said Amendment and on the official ballots printed for such election there shall be printed the following, viz: "Shall the following be adopted as an Amendment to the Constitution of Alabama: That the County of Montgomery shall have the power and right to levy and collect a Special County Tax not exceeding 30 cents on each one hundred dollars worth of taxable property in such County, in addition to that now authorized or that may hereafter be authorized, for public school purposes; and in addition to that now authorized under Section 1 of Article XIX of the Constitution and Section 260, Article XIV of the Constitution, provided that the rate of such tax, the period it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of such County and voted for by a majority of those voting in such election.

Upon a petition signed by two hundred or more qualified electors of the County of Montgomery to the Court of County Commissioners or other governing body of the county, said Court shall order an election to be held at the time specified by said petition to determine whether or not said County Tax shall be levied for public school purposes within said County, said election to be held and returns made and result declared as provided in Article XIII of the School of 1927, or other method provided by general law for holding elections for levying school district taxes.

This Amendment shall be self-executing and no Act of the Legislature shall be required to put the same in force.

-----Yes

-----No."

Section 4. That the officers who hold such election shall be the same and shall be appointed in the same manner and by the same officials as provided by the general election laws of the State of Alabama for the appointment of officers and the holding of general elections in this State, and the election shall be held under and in all things governed by and had in accordance with the Constitutional provisions touching amendments to the Constitution of the State of Alabama.

Section 5. That the votes cast at said election shall be counted, canvassed, and tabulated and return made to the Secretary of State in the same manner as in elections of representatives to the Legislature; and if it thereupon appear that a majority of the qualified

electors who voted at such election upon the proposed amendment, voted in favor of the same, such amendment shall become a part of the Constitution of Alabama, and shall be in all its intents and purposes valid as such part of the Constitution.

Section 6. The result of such election shall be made known by proclamation of the Governor.

Section 7. The expenses of the election herein provided for and the costs of the publication of the notices, shall be paid out of the State Treasury in the same manner that the expenses of general elections are paid.

Also:

By Mr. Carlton:

S. 23. To dispense with proof of agency or employment in certain cases.

Also:

By Mr. Kelly:

S. 119. To amend Section 9001 of the Code of 1923, relating to marriage licenses.

Also:

By Mr. Kelly:

S. 158. To amend Section 1153 of the Code of Alabama of 1923, relating to public health.

Also:

By Mr. Woodall:

S. 156. To amend Schedule 133 of Section 348 of Article 13, Chapter 3, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

J. E. Speight,

Secretary.

SENATE MESSAGE

The Senate bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate standing committees as follows:

Local Legislation No. One—S. 168.

Constitution and Constitutional Amendments—S. 142.

Judiciary—S. 23, S. 119.

Public Health—S. 158.

Ways and Means—S. 156.

RESOLUTIONS

Mr. Lee (Monroe) offered the following resolution:

By Mr. Lee (Monroe):

H. R. 43. Be it resolved that H. B. 314 (page 27 of Calendar for April 3, 1936) be made a special paramount and continuing order of business.

The resolution was referred to the Standing Committee on Rules.

Mr. Almon offered the following resolution:

By Mr. Almon:

H. R. 44. Be it Resolved that House bill No. 132 be made a paramount order for the 21st Legislative day.

The resolution was referred to the Standing Committee on Rules.

Mr. Harrison offered the following resolution:

By Mr. Harrison:

H. J. R. 45. Be it resolved by the House of Representatives, the Senate concurring, that when the two Houses adjourn today they adjourn to meet again on Tuesday, April 7, 1936, at 11 o'clock A.M.

On motion of Mr. Harrison the rules were suspended and the resolution was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in the resolution:

H. J. R. 45. Relative to adjournment of the two Houses until Tuesday, April 7th, 1936, at 11 A.M.

And returns same herewith to the House.

J. E. Speight,
Secretary.

RECOMMITTAL OF BILL

On motion of Mr. Welch the bill:

H. 281. To amend Schedule 12 of Section 348 of Chapter 1 of Article XIII of a Bill approved July 10, 1935, and entitled "An Act to Provide for the General Revenue of the State of Alabama."

Was recalled from the Standing Committee on Judiciary and recommitted to the Standing Committee on Ways and Means.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:27 o'clock A.M., April 3, 1936:

H. 58, H. 70, H. 176, H. 221, H. 227, H. 247, H. 259, H. 260.

E. F. Taylor,

Clerk.

ADJOURNMENT

On motion of Mr. Castleberry the House adjourned until Tuesday, April 7, 1936, at 11 o'clock A.M.

TWENTIETH DAY

House of Representatives,
 Montgomery, Alabama,
 April 7, 1936.

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. E. P. Smith of Auburn, Alabama.

ROLL CALL

On a call of the roll of the House the following members answered to their names:

Messrs.:			
Mr. Speaker	Doster	Matthews	Robinson (Lowndes)
Adams	Douglass	Merrill	Sanderson
Almon	Glover	Miles	Sanford
Arnold	Goodwyn	Miller	Shaver
Austin	Goolsby	Moore	Shipman
Bateman	Haley	McDermott	Sightler
Blann	Hall	McGowin	Sparks (Barbour)
Boswell	Hamner	McPhaul	Sparks (Walker)
Braswell	Hanks	Norman (Bullock)	Spence
Bridges	Hare	Norman (Lowndes)	Staples
Buffington	Harrison	Owen (Etowah)	Steele
Bulger	Hendley	Owens (Madison)	Street
Burleson	Henson	Parish (Henry)	Taylor
Byars	Hill	Parish (Pike)	Terry
Calhoun	Hodges	Petrey	Tidmore
Carter	Hollis	Poole	Todd
Castleberry	Johnston	Posey (Walker)	Tolbert
Chichester	Jones	Posey (Winston)	Tompkins
Connor	Kelly	Propst	Toomer
Cook	Kirby	Quarles	Waldrep
Davis	Langdon	Rayburn	Welch
Delony	Lee (Bullock)	Reeder	Whigham
Denson	Lee (Monroe)	Reid	Williams
De Vane	Long	Reynolds	Wright
Dominick	Lusk	Robertson (Cullman)	

A quorum was present.

REPORT OF STANDING COMMITTEE ON REVISION OF
JOURNAL

Mr. Speaker:

Your Standing Committee on the Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the House for the Nineteenth Legislative Day and finds same correct.

R. L. Tolbert,
Vice-Chairman.

The report of the Standing Committee on the Revision of the Journal was adopted and the Journal of the House for the Nineteenth Legislative Day was approved.

INTRODUCTION OF BILLS

On a call of counties, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Mr. Hill (with notice and proof):

H. 423. To require the County Governing Body of Marion County, Alabama, to allow and order paid the cost of publication of notice of intention to apply for local legislation pertaining to or applicable to said county.

Local Legislation No. One.

Notice and proof H. 423:

NOTICE

Notice is hereby given that a bill will be introduced in the Legislature of Alabama to require the county governing body of Marion County, Alabama, to audit, allow and order payment, at the legal rate of the cost of publication of notice of intention to apply for local legislation pertaining to said county, heretofore or hereafter published, when approved by the legislators representing said county.—R. L. HILL.

STATE OF ALABAMA }
MARION COUNTY } SS:

Before me, Ivan Hill, a Notary Public, in and for said County and State, personally appeared W. H. Murray, who being first duly sworn, deposes and says, that he is the publisher of The Winfield Journal, a weekly newspaper published in the Town of Winfield, in the State and County aforesaid, and that the advertisement, a true copy of which is hereto annexed, was printed in said newspaper for four consecutive weeks prior to the 3d day of April, 1936, the first publication being on March 12, 1936, and the last publication being on April 2, 1936.

That there was no agreement between publisher and officer, and that the actual cost of said advertisement is \$3.10, which is paid.

W. H. MURRAY.

Sworn to and subscribed before me this 3d day of April, 1936.

(Seal)

IVAN HILL,
Notary Public.

By Mr. Bulger :

H. 424. To place a tax of 10% on all sporting goods or equipment sold in Alabama, to provide for the collection of such tax, etc., and to exempt such articles from this tax when sold for use in any of the public schools of this State up to and including high schools.
Ways and Means.

By Mr. Goodwyn :

H. 425. To repeal an Act entitled An Act "To provide for the validation of bonds, certificates of indebtedness and time warrants which mature more than one year from their respective dates, and of bonds or certificates payable solely from revenues, before their issuance by counties, cities, towns, villages, districts, or other political subdivisions of the State, and to prescribe the procedure in the Circuit Courts and in the Supreme Courts with respect thereto, approved July 17, 1935.

Judiciary.

By Mr. Quarles :

H. 426. A Bill to be entitled An Act to submit to the qualified voters of the State of Alabama at an election to be held on the first Tuesday after the expiration of three months after the adjournment of the present extraordinary session of the Legislature, for their consideration, an amendment, substance and effect, to declare and ordain that education is an essential and necessary function and duty of the State Government; and to provide for the prorating and division of the State Revenue in cases where such revenue is insufficient to pay all appropriations in full.

Be it enacted by the Legislature of Alabama :

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of the State of Alabama for their consideration, as hereinafter set forth, viz: It is hereby declared and ordained that education is a necessary function, duty, and agency of the Government of this State, in the same class, to all intents and purposes, as all other such essential functions, duties and agencies, including the legislative and judicial departments, and all other such essential department and agencies. That when ever it shall appear that the revenue of the State is insufficient to pay in full all appropriations made for such essential agencies and departments such revenue shall be prorated among all of said appropriations each receiving the same percentage. In determining the total amount of appropriation for each of such agencies or departments, there shall be included all appropriations, both general or special, either out of the general fund or any special fund, whether ear marked or not. Provided, this provision shall not apply to appropriations for following purposes, viz: for payment of the public debt and interest thereon; for the State Highway Department and for the support and maintenance of the State Insane Hospitals.

Section 2. It shall be the duty of the Governor of Alabama to give notice by proclamation to be published in one newspaper in each county in the State of Alabama at least eight successive weeks next preceding the date of the election on the amendment by this act to be submitted to the qualified voters of said state for their consideration together with the proposed amendment.

Section 3. At the time above specified, an election shall be held for the vote of the qualified voters of said State upon the proposed amendment. Upon the Ballots used at said election, shall be printed the following, viz:

"SHALL THE FOLLOWING BE ADOPTED AS AN AMENDMENT TO THE CONSTITUTION OF ALABAMA?

IT IS HEREBY DECLARED AND ORDAINED THAT EDUCATION IS AN ESSENTIAL AND NECESSARY FUNCTION, DUTY, AND AGENCY OF THE GOVERNMENT OF THIS STATE, IN THE SAME CLASS, TO ALL INTENTS AND PURPOSES AS ALL OTHER SUCH ESSENTIAL FUNCTIONS, DUTIES AND AGENCIES. THAT WHENEVER IT SHALL APPEAR THAT THE STATE REVENUE IS INSUFFICIENT TO PAY IN FULL ALL APPROPRIATIONS MADE FOR SUCH ESSENTIAL AGENCIES AND DEPARTMENTS, SUCH REVENUE SHALL BE PRORATED AMONG ALL OF SAID APPROPRIATIONS, EACH RECEIVING THE SAME PERCENTAGE. IN DETERMINING THE TOTAL AMOUNT OF APPROPRIATION FOR EACH OF SUCH AGENCIES OR DEPARTMENTS, THERE SHALL BE INCLUDED ALL APPROPRIATIONS, BOTH GENERAL OR SPECIAL, EITHER OUT OF GENERAL FUND OR SPECIAL FUND, WHETHER EAR MARKED OR NOT. PROVIDED, THAT THIS PROVISION SHALL NOT APPLY TO APPROPRIATIONS FOR FOLLOWING PURPOSES, VIZ: FOR PAYMENT OF THE PUBLIC DEBT AND INTEREST THEREON, FOR THE STATE HIGHWAY DEPARTMENT AND FOR SUPPORT AND MAINTENANCE OF THE STATE INSANE HOSPITALS.

() YES

() NO

THE CHOICE OF THE VOTER TO BE INDICATED BY HIM OPPOSITE THE WORD EXPRESSING HIS OR HER DESIRE.

Section 4. The officers of said election shall open a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon the proposed

amendment the votes cast therefor shall be canvassed, tabulated and the returns thereof made to the Secretary of State and counted in the same manner as in elections for Representatives of the Legislature of Alabama, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The results of such election shall be made known by the proclamation of the Governor of this State.

The above and foregoing bill, H. 426, proposing an amendment to the Constitution, was read one time at length and referred to the Standing Committee on Constitution and Constitutional Amendments.

By Mr. Staples:

H. 427. A Bill to be entitled An Act to propose and submit to the qualified electors of the State of Alabama an amendment to the Constitution of Alabama authorizing the governing body of the City of Mobile, Alabama to call a special election of the qualified electors of said city for the purpose of determining whether or not said city shall thereafter annually levy and collect a tax at a rate to be submitted to said electors at such election, but not exceeding thirty-five one hundredths ($35/100$) of one per centum (1%) on the value of all taxable property situated therein as assessed for state taxation during the preceding year, such tax at such rate to be levied to further provide for the payment of debts of the said city existing on the first day of March, 1936 (other than debts incurred in the construction, extension, operation, or maintenance of the waterworks and sewer systems, or either of said systems of said city) and interest thereon and any renewal thereof and interest on such renewal, and to be applied exclusively to such purpose; and providing that in the event a majority of the qualified electors of said city voting at any such election vote against the levying of such tax at any such rate so submitted, the question as to whether such tax at said rate theretofore submitted to such electors, or at any other rate not exceeding thirty-five one hundredths ($35/100$) of one per centum (1%) on such value shall be so levied for such purpose may be submitted to said electors at any subsequent time or times, or in the event a tax is at any time being levied under this amendment, but the maximum rate authorized by this amendment is not at such time being levied for such purpose, then the question as to whether such tax shall be increased to a rate not exceeding thirty-five one hundredths ($35/100$) of one per centum (1%) on such value for such purposes may be submitted to said electors at any such time or times, provided not more than one election on any such question shall be called or held in any twelve month period;

and providing for the levying annually of such tax at such rate or rates so approved by said electors for such purpose, if at any such election a majority of the qualified electors voting at such election vote in favor of the levying of such tax at such rate or rates so submitted to them, and providing that any such election shall be held in accordance with the provisions of the general laws of this state governing municipal elections; and ordering an election by the qualified electors of the State of Alabama upon such proposed amendment, such election to be held on the day of the general election next succeeding this session of the Legislature of Alabama, and providing for a ballot to be used at such election on such amendment; and providing for publication or notice of such election and payment of the expenses thereof.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of the State of Alabama, and an election is hereby ordered by the qualified electors of the State upon such proposed amendment, and the day hereby appointed for such election is the day of the general election next succeeding this session of the Legislature, to-wit: the election to be held on the third of November, 1936. The proposed amendment is as follows:

The governing body of the City of Mobile, Alabama may at any time after the adoption of this amendment, and without further authority, call a special election of the qualified electors of said city for the purpose of determining whether or not said city shall thereafter annually levy and collect a tax at a rate to be submitted to said electors at such election but not exceeding thirty-five one hundredths ($35/100$) of one per centum (1%) on the value of all taxable property situated therein as assessed for state taxation during the preceding year, such tax at such rate to be levied to further provide for the payment of the debts of said city existing on the first day of March, 1936 (other than debts incurred in the construction, extension, operation or maintenance of the waterworks and sewer systems, or either of such systems of said city) and interest thereon and any renewal thereof and interest on such renewal, and to be applied exclusively to such purpose. In the event a majority of the qualified electors of said city voting at any such election vote against the levying of such tax at such rate so submitted to said electors at any such election, the question as to whether such tax at said rate theretofore submitted to said electors, or the question as to whether such tax at any other rate not exceeding thirty-five one hundredths ($35/100$) on one per centum (1%) on such value shall be so levied for such purpose may be submitted to said electors at any subsequent time or times, or in the event a tax is at any time being levied under this amendment, but the maximum rate

authorized by this amendment is not at such time being levied for such purpose, then the question as to whether such tax shall be increased to a rate not exceeding thirty-five one hundredths ($35/100$) of one per centum (1%) on such value for such purposes may be submitted to said electors at any such time or times, provided not more than one election on any such question shall be called or held in any one twelve month period. If at any such election a majority of the qualified electors of said city voting at such election vote in favor of the levying of such tax or of levying such increased tax at such rate so submitted to said electors at such election, not exceeding thirty-five one hundredths ($35/100$) of one per centum (1%) in such value, such tax thereafter shall be levied and collected at the rate or rates theretofore so approved by said electors at any such election or elections, and the proceeds thereof shall be applied to such purpose until such debts and interest thereon and any renewal thereof and interest on such renewal is paid in full. Any such election shall be held in accordance with the provisions of the general laws of this state governing municipal elections.

Section 2. On the official ballots to be used at said election of the qualified electors of the state upon such proposed amendment shall be printed the following:

"Shall the following proposed amendment to the Constitution of Alabama be adopted:

"The governing body of the City of Mobile, Alabama may at any time after the adoption of this amendment, and without further authority, call a special election of the qualified electors of said city for the purpose of determining whether or not said city shall thereafter annually levy and collect a tax at a rate to be submitted to said electors at such election but not exceeding thirty-five one hundredths ($35/100$) of one per centum (1%) on the value of all taxable property situated therein as assessed for state taxation during the preceding year, such tax at such rate to be levied to further provide for the payment of the debts of said city existing on the first day of March, 1936 (other than debts incurred in the construction, extension, operation or maintenance of the waterworks and sewer systems, or either of such systems of said city) and interest thereon and any renewal thereof and interest on such renewal, and to be applied exclusively to such purpose. In the event a majority of the qualified electors of said city voting at any such election vote against the levying of such tax at such rate so submitted to said electors at any such election, the question as to whether such tax at said rate theretofore submitted to said electors, or the question as to whether such tax at any other rate not exceeding thirty-five one hundredths ($35/100$) of one per centum (1%) on such value shall be so levied for such purpose may be submitted to said electors at any subsequent time or times, or in the event a tax is at

any time being levied under this amendment, but the maximum rate authorized by this amendment is not at such time being levied for such purpose, then the question as to whether such tax shall be increased to a rate not exceeding thirty-five one hundredths (35/100) of one per centum (1%) on such value for such purposes may be submitted to said electors at any such time or times, provided not more than one election on any such question shall be called or held in any one twelve month period. If at any such election a majority of the qualified electors of said city voting at such election vote in favor of the levying of such tax or of levying such increased tax at such rate so submitted to said electors at such election, not exceeding thirty-five one hundredths (35/100) of one per centum (1%) on such value, such tax thereafter shall be levied and collected at the rate or rates theretofore so approved by said electors at any such election or elections, and the proceeds thereof shall be applied to such purpose until such debts and interest thereon and any renewal thereof and interest on such renewal is paid in full. Any such election shall be held in accordance with the provisions of the general laws of this state governing municipal elections."

On such ballots shall be printed the word "YES" and immediately under that word shall be printed the word "NO". The choice of the electors shall be indicated by a cross mark made by him or by his direction opposite the word expressing his desire.

Section 3. Notice of the election by the qualified electors of the state, hereby ordered, together with the amendment thereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper in each county in the state once a week for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 4. The expenses of the election of the qualified electors of the state upon such amendment, herein provided for, and the costs of the publication of the notices herein provided for, shall be paid out of the State Treasury in the same manner as expenses of other elections are paid.

The above and foregoing bill, H. 427, proposing an amendment to the Constitution, was read one time at length and referred to the Standing Committee on Constitution and Constitutional Amendments.

By Mr. Staples:

H. 428. Providing for interest rates, collection charges and attorney's fees on loans not exceeding \$750.00 and payable in installments; and to repeal all laws and parts of laws, general, special, local and private, in conflict with the provisions of this act.

Rules.

By Mr. Sanderson:

H. 429. To amend Schedule 154 of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Ways and Means.

By Mr. Haley:

H. 430. To relieve Tax Assessors in all counties in Alabama which now have, or which may hereafter have a population of not less than eighteen thousand and not more than thirty-five thousand according to the last Federal Census, or any such census which may be taken hereafter, from the duty of preparing a book of assessments, and in lieu thereof to arrange in alphabetical order the original lists and have same permanently bound and kept as a permanent record and prepare Tax Collectors Abstracts from said assessment lists.

Ways and Means.

By Mr. Goodwyn:

H. 431. To fix the compensation or salaries to be paid the tax collectors and tax assessors in all counties in this State which now have or which may hereafter have a population of seventy-five thousand people and less than one hundred thousand people according to the last Federal Census or any such census which may hereafter be taken, where such officers are constitutionally paid upon a salary basis, and to regulate the payment of same, to provide for the selection of clerical help and other assistance to said officers and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such officers; and to require all of said officers to pay into the county treasury of said counties all costs, charges of courts, fees and commissions authorized by law to be collected by said officers as other monies belonging to said counties are paid, except any salary, fees or commissions paid said officers for collecting taxes for any municipality.

Local Legislation No. One.

By Mr. Toomer:

H. 432. To raise revenues and to otherwise provide funds to meet the extraordinary emergency existing; to aid in bringing to the farm people of Alabama the benefits of an Act of the Congress of the United States of America, approved February 29, 1936, and generally known as the Soil Conservation and Domestic Allotment Act; and to aid in meeting the requirements of all of the Acts of the Congress of the United States of America pertaining to agricultural research and to agricultural extension work; to provide for gin tags and to provide for the collection of a tax on each bale of cotton produced and ginned in Alabama; to provide penalties

for violations of the provisions hereof; and to appropriate the funds provided by this Act and to specify the method of disbursing the same; and to state the period during which this Act shall be effective.

Ways and Means.

By Mr. Staples:

H. 433. To amend Section 291 of an act entitled, "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

Ways and Means.

BILLS ON SECOND READING

Mr. Delony, Chairman of the Standing Committee on Appropriations, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Woodall:

S. 108. To make an appropriation for the support, maintenance and improvement of The Southern Industrial Institute.

Mr. Glover, Chairman of the Standing Committee on Local Legislation No. One, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. Shaver (with notice and proof):

H. 415. To amend an Act entitled an Act "To regulate and control the purchase of goods and supplies for Madison County by the Board of County Commissioners, or other like governing body of Madison County," passed by the Legislature at its 1936 special session.

By Mr. Mooneyham:

S. 143. To authorize and require the Board of Education in any County in the State of not less than 75,000 nor more than 100,000 population according to the last or any succeeding Federal Census to provide a pension or retiring allowance for teachers who have served in the public schools of such county.

By Mr. Mixon (with notice and proof):

S. 168. To fix the salary and prescribe the duties of the Solicitor of the Law and Equity Court of Franklin County, Alabama.

By Mr. Reid (with notice and proof):

H. 411. To relieve all persons in Shelby County, Alabama, and in any Municipality thereof, of and from any and all legal obligations to work on the public roads or streets in Shelby County, Ala-

bama, or in any Municipality thereof, or to pay any money in lieu of such obligation to work on the public roads or streets in Shelby County, Alabama, or in any Municipality thereof, and to prohibit the levying and collecting of a per capita road or street tax in Shelby County, Alabama, or in any Municipality thereof.

Mr. Chichester, Chairman of the Standing Committee on Game, Fish and Fisheries, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

By Mr. McPhaul (with amendment):

H. 370. To further conserve, protect and develop oysters on the bottoms within the boundaries of the State of Alabama, to prohibit dredging except under regulation of the Alabama Oyster Commission, to regulate the size of container used in measuring a barrel of oysters, to fix a uniform tax on oysters, to provide for license for dredging oysters and method for collecting tax on oysters harvested and disposition of same, to require State tax on gasoline and motor oil used in operation of boats for taking oysters and shrimp, and freighters hauling same from where such oysters and shrimp are caught to the processing plants and raw oyster houses to be covered into the Oyster Fund, to authorize the Alabama Oyster Commission to open and close oyster reefs and planted oyster bottoms when in their opinion necessity requires it; to require and provide for licenses for persons, firms, corporations or associations to engage in the business of packing, canning, processing or dealing in oysters or transporting oysters; to require and provide licenses for brokers, dealers, commission men, hucksters or other persons, firms, corporations or associations who wholesale or retail oysters; to authorize the Alabama Oyster Commission to regulate the time, manner and means for shipping or transporting oysters and shrimp beyond the boundaries of the State of Alabama; to regulate the time, manner and means for planting oysters or oyster shells; to further provide for the duties of oyster inspectors and other employees of the Alabama Oyster Commission; by regulation to protect oyster bottom lessees in their rights as such lessees; to make it unlawful to resist arrest for violation of the provisions of this Act or any regulation based thereunder or to refuse any inspection of premises where oysters or other seafoods are kept or stored or to conspire or agree with any person, firm, corporation or association to evade any of the provisions of this Act or regulations based thereunder or any laws heretofore or hereafter enacted or the regulations based thereunder; to make it unlawful to remove or destroy any buoy, stake or other marker authorized to be set or placed by the Alabama Oyster Commission; to make it unlawful to take, catch or attempt to take or

catch oysters or shrimp by the use of any unlicensed boat; to make it unlawful for any person, firm, corporation or association to buy or sell oysters or shrimp taken by means of an unlicensed boat or unlicensed tonger or dredge; to provide for minimum size of oyster or shrimp which may be taken, bought or sold for commercial purposes; to provide license for trucks or other motor driven vehicles used in transporting oysters for commercial purposes; to provide for keeping records of all oysters or shrimp transported to market and provide for inspection of such record; to provide that before shrimp which have been taken or caught in the waters of this State or from the waters within the territorial jurisdiction of the State may be carried or transported out of the State, same shall be brought to a port of entry designated by the Alabama Oyster Commission and then and there the tax provided by law shall be paid; to provide for a tax on shrimp which are carried out of the State; and to provide how same may be taken or transported beyond the boundaries of the State; to provide that a violation of any of the provisions of this Act or regulations based thereunder shall be a misdemeanor; and to provide for penalties for violation of same, and to provide for the repeal of all laws in conflict with the provisions of this Act; to determine what shall constitute seafoods; to vest title to all seafoods in the public waters of the State in the State of Alabama until title thereto has been legally divested; to give authority to the Oyster Commission to promulgate regulations relating to any and all seafoods which shall have the force and effect of law; to empower the Chief Enforcement Officer and the oyster inspectors to enforce all laws and regulations relating to the seafood industry; to require the captain of licensed boats to assist in making arrests for violation of laws and regulations relating to the seafood industry; to authorize the Oyster Commission to provide the necessary patrol boats and appoint deputy inspectors for such boats; to make it unlawful to catch, take or have oysters in possession at certain times of the year; to authorize the Commission to close the oyster season earlier than the first of May and open same later than the first of September when deemed necessary for the conservation and protection of oysters; to provide for proper culling of oysters; to provide for lessees of oyster bottoms to take uncultured oysters for planting purposes; to provide for the cultivation and development of oyster beds during the closed season; to provide restrictions for taking oysters from newly planted beds; to prohibit the taking or catching of oysters by any means between sunset and sunrise; to provide for licensing of all boats before beginning operation in the taking of oysters, shrimp or other seafoods; to authorize the Commission to have printed signs, words and/or numbers and require same to be posted on licensed boats; to provide privilege taxes and require same to be paid by factories

or other establishments before they pack, can or process oysters or shrimp and on raw oyster shippers; to authorize the Commission to make agreements with other States relating to the catching and/or transporting of oysters from or into the State of Alabama for planting or for commercial purposes.

The above and foregoing bills were severally read a second time and placed on the Calendar.

REPORT OF STANDING COMMITTEE ON ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Enrolled Bills reports that it has examined the following House bills, and finds same correctly enrolled, to-wit:

H. 103. To amend Section 3238 of the Code of Alabama of 1923 relating to appeals in habeas corpus cases.

Also:

H. 178. To amend Schedule 158 of Chapter 6, Article 13 of "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

Also:

H. 222. To validate and make a lawful debt of Mobile County, \$8,400.00 in warrants heretofore issued by said county to Headquarters Special Troops 31st Infantry Division, Alabama National Guard and to require the registration and payment thereof out of the consolidated treasury of Mobile County. To repeal all laws in conflict herewith and to fix the time when this act shall become effective.

Also:

H. 340. To provide for the relief of L. W. Gentry, former Treasurer of County School Funds of Lawrence County, Alabama; and to authorize and direct the County Governing Body of Lawrence County to reimburse the said Gentry for premium on the official bond of the Treasurer of School Funds of said County for the year 1932, paid by the said Gentry.

Also:

H. 342. To prohibit and make it unlawful for the Town Council or other governing body of the Town of Castleberry, Alabama to make any contract with or grant any franchise to any public utility company, individual, firm or corporation respecting the furnishing of electricity to the citizens of said town or to the town itself or to renew or extend any such existing contract without first being authorized to do so by the majority of the votes to be cast in an election to be held in which the proposition shall be voted upon.

Also:

H. 343. To authorize and empower the Commissioners Court of Greene County, Alabama to appropriate a sum not to exceed Two Hundred Dollars per annum out of the General Fund of Greene County for the purpose of paying for clerical work necessary in making the reports of the County Depository as required by law.

Dan Gullett Cook,
Chairman.

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

RESOLUTION

Mr. Hill offered the following resolution:

By Mr. Hill:

H. R. 46. Be it resolved by the House that H. B. No. 244 and H. B. No. 243 be made special, paramount orders for the next Legislative day.

And the resolution was referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has non-concurred in the House amendment to the bill:

S. 103. To authorize the Board of Revenue of Houston County, Alabama, to levy and collect a privilege tax on all persons, corporation, copartnerships, companies, agencies, associations and refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naphtha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil" "fuel oil" or "crude oil" commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; to authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collec-

tion of said privilege tax; to make provisions for the distribution of the funds derived from said privilege tax; to prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage or keeping in storage such motor fuels, on a quantity basis; to repeal the municipal privilege excise and or license taxes on gasoline, Woco-Pep, or any other motor fuel, used by self-propelled vehicles which may now be collected or levied by an incorporated city or town in said county; to provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; to repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective.

And requests a Committee of Conference.

Committee on part of the Senate Messrs. Walden, Simpson and Tucker.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Calhoun the House acceded to the request of the Senate for a Committee of Conference on the disagreement of the two Houses on the House amendment to the bill, S. 103, the title to which is set out in the above and foregoing Message from the Senate. And the Speaker appointed as conferees on part of the House Messrs. Calhoun, Williams and Boswell.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown, and, as amended, has passed the following House bill, and returns same herewith to the House:

H. 123. To amend an act entitled "An Act to amend Sections II, III, V, and VI of an Act entitled 'An Act to define, regulate and license barbers and barber colleges, and other like businesses in counties of the State of Alabama having a population of three hundred thousand or over, according to the last or any subsequent Federal Census; to create a barbers' Commission for said Counties; and to provide a penalty for the violation of the provisions hereof,' which became a law July 24, 1931, under Section 125 of the Constitution," approved September 9th, 1935.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Todd the House non-concurred in the Senate amendment to the bill, H. 123, said Senate amendment being as follows:

Amend H. B. 123:

Immediately following the words "a secretary-examiner and" where they occur together therein on page 2 of the bill, insert the following words, viz:

"the county Health Officer shall appoint, to hold at the pleasure of such County Health Officer"

And requested a Committee of Conference. The Speaker appointed as conferees on part of the House Messrs. Todd, Adams and Douglass.

REPORT OF CONFERENCE COMMITTEE

Montgomery, Alabama

April 3, 1936.

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

We, the undersigned, your Conference Committee appointed to adjust the difference between the two houses respecting House Bill 241, beg to report that we recommend that the Senate recede from its amendment to said Bill, and that it be adopted as originally introduced.

EARLE THOMAS,

O. D. CARLTON,

Conferees on the Part of the Senate.

M. L. ROBERTSON,

AUBREY DOMINICK,

JOHN A. LUSK, JR.,

Committee on the part of the House.

CONFERENCE REPORT

On motion of Mr. Robertson (Cullman) the House concurred in and adopted the report of the Committee of Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 241. To create and establish a Board of Finance and Control in and for Cullman County, Alabama, to be composed of five members, one of whom shall be Chairman of said Board; to fix the qualifications of the Chairman and other members of the said Board; to abolish the Court of County Commissioners of Cullman County, Alabama; to designate the manner of constituting, selecting and appointing the first Board to hold office hereunder, and providing for the appointment of the first Chairman of the said Board by the Governor; to fix the term of office of the first Board holding office hereunder, and their successors in office; to provide for filling vacancies therein, to require the members elected, chosen

or appointed hereunder to take the oath of office and give bond; to define the powers and duties of the said Board; to fix the compensation of the members hereof; to confer upon said Board all the jurisdiction, powers and authority that is now or may hereafter be granted by law to Courts of County Commissioners, Boards of Revenue, or other governing bodies of like name and authority in this state; to require the said Board of Finance and Control to employ a Clerk and a Supervisor of Roads and Bridges for the county, and to fix the duties, qualifications and compensations of such Clerk and Supervisor of Roads and Bridges, providing the manner of their payment, and to repeal all laws and parts of laws in conflict with the provisions of this Act; particularly and expressly repealing any and all laws constituting the Judge of Probate as principal judge and member of the Court of County Commissioners, granting judicial power, requiring reports from courts of said county, providing meeting place and time of meeting of said Board. To provide for the election of all members of said Board at the expiration of the term of office of the first Board constituted hereunder.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker

Adams

Almon

Arnold

Austin

Bateman

Blann

Boswell

Braswell

Bridges

Bulger

Burleson

Byars

Calhoun

Carter

Chichester

Connor

Cook

Denson

Doster

Douglass

Glover

Goolsby

Haley

Hall

Hanks

Hare

Harrison

Henson

Hill

Hodges

Jones

Kelly

Kirby

Long

Lusk

Miles

Miller

Moore

McGowin

McPhaul

Owen (Etowah)

Owens (Madison)

Petrey

Poole

Propst

Quarles

Rayburn

Reeder

Reid

Reynolds

Robertson (Cullman)

Sanford

Shaver

Shipman

Sightler

Spence

Steele

Street

Taylor

Terry

Todd

Tolbert

Toomer

Waldrep

Welch

—66

And the bill, H. 241, as thus amended by the report of the Committee of Conference, was again read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker

Adams

Almon

Arnold

Austin

Bateman

Blann

Boswell

Braswell

Bridges

Bulger

Burleson

Byars

Calhoun

Carter

Chichester

Connor	Hill	Owens (Madison)	Shipman
Cook	Hodges	Petrey	Sightler
Denson	Jones	Poole	Spence
Doster	Kelly	Propst	Steele
Douglass	Kirby	Quarles	Street
Glover	Long	Rayburn	Taylor
Goolsby	Lusk	Reeder	Terry
Haley	Miles	Reid	Todd
Hall	Miller	Reynolds	Tolbert
Hanks	Moore	Robertson (Cullman)	Toomer
Hare	McGowin	Sanford	Waldrep
Harrison	McPhaul	Shaver	Welch
Henson	Owen (Etowah)		

—66

BILLS ON THIRD READING

H. 308. A Bill to be entitled An Act to provide and submit to the qualified electors of the State of Alabama at an election to be held at the next General election after the final adjournment of the present session of the Legislature at which this amendment is proposed, An Amendment to the Constitution of Alabama whereby the following independent school districts: Andalusia, Attalla, Demopolis, Jasper, Opp, Sylcauga, and Tarrant City, as now or hereafter constituted, in the State of Alabama may levy and collect a Special District Tax not exceeding 30 cents on each one hundred dollars worth of taxable property in such district, in addition to that now authorized or that may hereafter be authorized, for public school purposes, and in addition to that now authorized under Section 260 of Article XIV and Section 2 of Article XIX of the Constitution, provided that the rate of such tax, the period it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of such School District and voted for by a majority of those voting at such election; provided further that the said district tax shall not be voted or collected in said districts unless and until the County in which said independent School District is located is levying and collecting not less than a 3-Mill County-wide Special School Tax.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of the State of Alabama for their consideration and actions at an election to be held at the next General Election after the final adjournment of the present session of the Legislature at which this amendment is proposed, to-wit: That the following independent school districts: Andalusia, Attalla, Demopolis, Jasper, Opp, Sylcauga, and Tarrant City in the State of Alabama shall have the power and the right to levy and collect a Special District Tax not exceeding 30 cents on each one hundred dollars worth of

taxable property in such district, in addition to that now authorized or that may hereafter be authorized for public school purposes; and in addition to that now authorized under Section 2 of Article XIX of the Constitution and Section 260, Article XIV of the Constitution, provided that the rate of such tax, the period it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of such School District and voted for by a majority of those voting in such election; provided further that the said District Tax shall not be voted or collected in said Districts unless and until the County in which said school district is located is levying and collecting not less than a 3-Mill County-wide School Tax for the period for which the district levy is proposed.

Upon the request of the Board of Education of the cities of Andalusia, Attalla, Demopolis, Jasper, Opp, Sylacauga, and Tarrant City, respectively to the Court of County Commissioners or other governing body of the county in which said city is located, said Court shall order an election to be held at the time requested by said Board of Education to determine whether or not said special tax shall be levied for public school purposes within said school Districts; said election to be held and returns made and result declared as provided in Article XIII of the School Code of 1927, or other method provided by general law for holding elections for levying school district taxes.

This Amendment shall be self-executing and no Act of the Legislature shall be required to put the same in force.

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in the State at least four consecutive weeks next preceding the said election on the Amendment proposed by this Act to be submitted to the qualified electors of the State for their consideration, together with the proposed Amendment.

Section 3. That at the said election on the Amendment proposed by this Act to be submitted to the qualified electors of the State for their consideration, to be held as herein provided for, the qualified electors shall vote upon said Amendment and on the official ballots printed for such election there shall be printed the following, viz: "Shall the following be adopted as an Amendment to the Constitution of Alabama: The following independent School Districts: Andalusia, Attalla, Demopolis, Jasper, Opp, Sylacauga, and Tarrant City in the State of Alabama shall have the power and right to levy and collect annually a Special District Tax not exceeding 30 cents on each one hundred dollars worth of taxable property in such district, in addition to that now authorized or that may hereafter be authorized, for public school purposes; and in addition to that now authorized under Section 2 of Article XIX of

the Constitution and Section 260, Article XIV of the Constitution, provided that the rate of such tax, the period it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of such School District and voted for by a majority of those voting in such election; provided further that the said District tax shall not be voted or collected in said Districts unless and until the County in which said school district is located is levying and collecting not less than 3-Mill County-wide School Tax for the period for which the district levy is proposed.

Upon the request of the Board of Education of the cities of Andalusia, Attalla, Demopolis, Jasper, Opp, Sylacauga, and Tarrant City, respectively, to the Court of County Commissioners or other governing body of the county in which said city is located, said Court shall order an election to be held at the time requested by said Board of Education to determine whether or not said special tax shall be levied for public school purposes within said School District; said election to be held and returns made and result declared as provided in Article XIII of the School Code of 1927, or other method provided by general law for holding elections for levying school district taxes.

This Amendment shall be self-executing and no Act of the Legislature shall be required to put the same in force.

-----Yes

-----No."

Section 4. That the officers who hold such election shall be the same and shall be appointed in the same manner and by the same officials as provided by the general election laws of the State of Alabama for the appointment of officers and the holding of general elections in this State, and the election shall be held under and in all things governed by and had in accordance with the Constitutional provisions touching amendments to the Constitution of the State of Alabama.

Section 5. That the votes cast at said election shall be counted, canvassed, and tabulated and return made to the Secretary of State in the same manner as in elections of representatives to the Legislature; and if it thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment, voted in favor of the same, such amendment shall become a part of the Constitution of Alabama, and shall be in all its intents and purposes valid as such part of the Constitution.

Section 6. The result of such election shall be made known by proclamation of the Governor.

Section 7. The expenses of the election herein provided for and the costs of the publication of the notices, shall be paid out of

the State Treasury in the same manner that the expenses of general elections are paid.

Was taken up. The question was on the adoption of the substitute reported by the Standing Committee on Constitution and Constitutional Amendments, said committee substitute being as follows:

Substitute for H. 308, by Mr. Owen of Etowah:

A BILL

To be entitled An Act to provide for and submit to the qualified electors of the State of Alabama at an election to be held at the next General Election after the final adjournment of the present session of the Legislature at which this amendment is proposed, An Amendment to the Constitution of Alabama whereby the following school districts: Andalusia, Attalla, Demopolis, Jasper, Opp, Sylacauga, and Tarrant City, as now or hereafter constituted, in the State of Alabama may levy and collect a Special District Tax not exceeding 30 cents on each one hundred dollars worth of taxable property in such district, in addition to that now authorized or that may hereafter be authorized, for public school purposes, and in addition to that now authorized under Section 260 of Article XIV and Section 2 of Article XIX of the Constitution, provided that the rate of such tax, the period it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of such School District and voted for by a majority of those voting at such election; provided further that the said district tax shall not be voted or collected in said districts unless and until the County in which said School District is located is levying and collecting not less than a 3-Mill County-wide Special School Tax.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of the State of Alabama for their consideration and actions at an election to be held at the next General Election after the final adjournment of the present session of the Legislature at which this amendment is proposed, to-wit: That the following school districts as defined in Section 2 of Article XIX of the Constitution: Andalusia, Attalla, Demopolis, Jasper, Opp, Sylacauga, and Tarrant City as now or hereafter constituted in the State of Alabama shall have the power and the right to levy and collect a Special District Tax not exceeding 30 cents on each one hundred dollars worth of taxable property in such district, in addition to that now authorized or that may hereafter be authorized for public school purposes; and in addition to that now authorized under Section 2 of Article

XIX of the Constitution and Section 260, Article XIV of the Constitution, provided that the rate of such tax, the period it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of such School District and voted for by a majority of those voting in such election; provided further that the said District Tax shall not be voted or collected in said Districts unless and until the County in which said school district is located is levying and collecting not less than a 3-Mill County-wide School Tax for the period for which the district levy is proposed.

Upon the request of the City Board of Education or such governing Board of Education as is exercising the duties of the City Board of Education of the cities of Andalusia, Attalla, Demopolis, Jasper, Opp, Sylacauga, and Tarrant City, respectively, to the Court of County Commissioners or other governing body of the county in which said city is located, said Court shall order an election to be held at the time requested by said Board of Education to determine whether or not said special tax shall be levied for public school purposes within said School Districts; said election to be held and returns made and result declared as provided in Article XIII of the School Code of 1927, or other method provided by general law for holding elections for levying school district taxes.

This Amendment shall be self-executing and no Act of the Legislature shall be required to put the same in force.

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in the State at least four consecutive weeks next preceding the said election on the Amendment proposed by this Act to be submitted to the qualified electors of the State for their consideration, together with the proposed Amendment.

Section 3. That at the said election on the Amendment proposed by this Act to be submitted to the qualified electors of the State for their consideration, to be held as herein provided for, the qualified electors shall vote upon said Amendment and on the official ballots printed for such election there shall be printed the following, viz: "Shall the following be adopted as an Amendment to the Constitution of Alabama: The following School Districts as defined in Section 2, Article XIX of the Constitution: Andalusia, Attalla, Demopolis, Jasper, Opp, Sylacauga, and Tarrant City as now or hereafter constituted in the State of Alabama shall have the power and right to levy and collect annually a Special District Tax not exceeding 30 cents on each one hundred dollars worth of taxable property in such district, in addition to that now authorized or that may hereafter be authorized, for public school purposes; and in addition to that now authorized under Section 2 of Article

XIX of the Constitution and Section 260, Article XIV of the Constitution, provided that the rate of such tax, the period it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of such School District and voted for by a majority of those voting in such election; provided further that the said District tax shall not be voted or collected in said Districts unless and until the County in which said school district is located is levying and collecting not less than a 3-Mill County-wide School Tax for the period for which the district levy is proposed.

Upon the request of the City Board of Education or such governing Board of Education as is exercising the duties of the City Board of Education of the cities of Andalusia, Attalla, Demopolis, Jasper, Opp, Sylacauga, and Tarrant City, respectively, to the Court of County Commissioners or other governing body of the county in which said city is located, said Court shall order an election to be held at the time requested by said Board of Education to determine whether or not said special tax shall be levied for public school purposes within said School District; said election to be held and returns made and result declared as provided in Article XIII of the School Code of 1927, or other method provided by general law for holding elections for levying school district taxes.

This Amendment shall be self-executing and no Act of the Legislature shall be required to put the same in force.

-----Yes

-----No."

Section 4. That the officers who hold such election shall be the same and shall be appointed in the same manner and by the same officials as provided by the general election laws of the State of Alabama for the appointment of officers and the holding of general elections in this State, and the election shall be held under and in all things governed by and had in accordance with the Constitutional provisions touching amendments to the Constitution of the State of Alabama.

Section 5. That the votes cast at said election shall be counted, canvassed, and tabulated and return made to the Secretary of State in the same manner as in elections of representatives to the Legislature; and if it thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment, voted in favor of the same, such amendment shall become a part of the Constitution of Alabama, and shall be in all its intents and purposes valid as such part of the Constitution.

Section 6. The result of such election shall be made known by proclamation of the Governor.

Section 7. The expenses of the election herein provided for and the costs of the publication of the notices, shall be paid out of the State Treasury in the same manner that the expenses of general elections are paid.

Mr. Taylor, Chairman of the Standing Committee on Constitution and Constitutional Amendments, offered the following amendment to the substitute:

Amend substitute for H. B. 308 by adding after the name Demopolis where it appears in said proposed amendment, the name Eufaula.

And the amendment was adopted.

Mr. Chichester offered the following amendment to the substitute:

Amend substitute to H. B. 308 by striking out of the bill the words Tarrant City and Jasper and adding the words Enterprise and Hartselle.

And the amendment was adopted.

Mr. Hanks offered the following amendment to the substitute:

Amend substitute for H. 308 by adding the words Talladega, Munford, Lincoln, Winterborro and Laniers after the word Eufaula in caption and body of bill.

Further amend said bill by adding the words Abbeville, Newville and Headland after word Sylacauga.

And the amendment was adopted.

The substitute, as amended, was adopted.

Yeas, 81; Nays, 1.

Yeas:

Messrs.:

Mr. Speaker	Glover	Merrill	Reid
Almon	Goodwyn	Miles	Reynolds
Arnold	Goolsby	Moore	Robinson (Lowndes)
Bateman	Haley	McDermott	Sanford
Boswell	Hamner	McGowin	Shaver
Braswell	Hanks	McPhaul	Shipman
Bridges	Hare	Norman (Bullock)	Sightler
Buffington	Hendley	Norman (Lowndes)	Spence
Burleson	Henson	Owen (Etowah)	Staples
Byars	Hill	Owens (Madison)	Steele
Calhoun	Hollis	Parish (Henry)	Street
Carter	Johnston	Parish (Pike)	Taylor
Castleberry	Jones	Petrey	Terry
Chichester	Kelly	Poole	Tidmore
Connor	Kirby	Posey (Walker)	Todd
Cook	Langdon	Posey (Winston)	Tolbert
Delony	Lee (Monroe)	Propst	Toomer
Denson	Long	Quarles	Welch
Dominick	Lusk	Rayburn	Williams
Doster	Matthews	Reeder	Wright
Douglass			

—81

Nay: Mr. Sanderson

— 1

And the bill:

H. 308. A Bill to be entitled An Act to provide for and submit to the qualified electors of the State of Alabama at an election to be held at the next General election after the final adjournment of the present session of the Legislature at which this amendment is proposed, An Amendment to the Constitution of Alabama whereby the following independent school districts: Andalusia, Attalla, Demopolis, Jasper, Opp, Sylacauga, and Tarrant City, as now or hereafter constituted, in the State of Alabama may levy and collect a Special District Tax not exceeding 30 cents on each one hundred dollars worth of taxable property in such district, in addition to that now authorized or that may hereafter be authorized, for public school purposes, and in addition to that now authorized under Section 260 of Article XIV and Section 2 of Article XIX of the Constitution, provided that the rate of such tax, the period it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of such school District and voted for by a majority of those voting at such election; provided further that the said district tax shall not be voted or collected in said districts unless and until the County in which said independent School District is located is levying and collecting not less than a 3-Mill County-Wide Special School Tax.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of the State of Alabama for their consideration and actions at an election to be held at the next General Election after the final adjournment of the present session of the Legislature at which this amendment is proposed, to-wit: That the following independent school districts: Andalusia, Attalla, Demopolis, Jasper, Opp, Sylacauga, and Tarrant City in the State of Alabama shall have the power and the right to levy and collect a Special District Tax not exceeding 30 cents on each one hundred dollars worth of taxable property in such district, in addition to that now authorized or that may hereafter be authorized for public school purposes; and in addition to that now authorized under Section 2 of Article XIX of the Constitution and Section 260, Article XIV of the Constitution, provided that the rate of such tax, the period it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of such School District and voted for by a majority of those voting in such election; provided further that the said district Tax shall not be voted or collected in said Districts unless and until the County in which said school district is located is levying and collecting not less than a 3-Mill County-wide School Tax for the period for which the district levy is proposed.

Upon the request of the Board of Education of the Cities of Andalusia, Attalla, Demopolis, Jasper, Opp, Sylacauga, and Tarrant City, respectively, to the Court of County Commissioners or other governing body of the county in which said city is located, said Court shall order an election to be held at the time requested by said Board of Education to determine whether or not said special tax shall be levied for public school purposes within said school Districts; said election to be held and returns made and result declared as provided in Article XIII of the School Code of 1927, or other method provided by general law for holding elections for levying school district taxes.

This Amendment shall be self-executing and no Act of the Legislature shall be required to put the same in force.

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in the State at least four consecutive weeks next preceding the said election on the Amendment proposed by this Act to be submitted to the qualified electors of the State for their consideration, together with the proposed Amendment.

Section 3. That at the said election on the Amendment proposed by this Act to be submitted to the qualified electors of the State for their consideration, to be held as herein provided for, the qualified electors shall vote upon said Amendment and on the official ballots printed for such election there shall be printed the following, viz: "Shall the following be adopted as an Amendment to the Constitution of Alabama: The following independent School Districts: Andalusia, Attalla, Demopolis, Jasper, Opp, Sylacauga, and Tarrant City in the State of Alabama shall have the power and right to levy and collect annually a Special District Tax not exceeding 30 cents on each one hundred dollars worth of taxable property in such district, in addition to that now authorized or that may hereafter be authorized, for public school purposes; and in addition to that now authorized under Section 2 of Article XIX of the Constitution and Section 260, Article XIV of the Constitution, provided that the rate of such tax, the period it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of such School District and voted for by a majority of those voting in such election; provided further that the said District tax shall not be voted or collected in said Districts unless and until the County in which said school district is located is levying and collecting not less than a 3-Mill County-wide School Tax for the period for which the district levy is proposed.

Upon the request of the Board of Education of the cities of Andalusia, Attalla, Demopolis, Jasper, Opp, Sylacauga, and Tarrant City, respectively, to the Court of County Commissioners or other governing body of the county in which said city is located,

said Court shall order an election to be held at the time requested by said Board of Education to determine whether or not said special tax shall be levied for public school purposes within said School District; said election to be held and returns made and result declared as provided in Article XIII of the School Code of 1927, or other method provided by general laws for holding elections for levying school district taxes.

This Amendment shall be self-executing and no Act of the Legislature shall be required to put the same in force.

_____Yes

_____No."

Section 4. That the officers who hold such election shall be the same and shall be appointed in the same manner and by the same officials as provided by the general election laws of the State of Alabama for the appointment of officers and the holding of general elections in this State, and the election shall be held under and in all things governed by and had in accordance with the Constitutional provisions touching amendments to the Constitution of the State of Alabama.

Section 5. That the votes cast at said election shall be counted, canvassed, and tabulated and return made to the Secretary of State in the same manner as in elections of representatives to the Legislature; and if it thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment, voted in favor of the same, such amendment shall become a part of the Constitution of Alabama, and shall be in all its intents and purposes valid as such part of the Constitution.

Section 6. The result of such election shall be made known by proclamation of the Governor.

Section 7. The expenses of the election herein provided for and the costs of the publication of the notices, shall be paid out of the State Treasury in the same manner that the expenses of general elections are paid.

As amended by the substitute, as amended, was read a third time at length and passed.

Yeas, 81; Nays, 1.

Yeas:

Messrs.:

Mr. Speaker	Buffington	Connor	Glover
Almon	Burleson	Cook	Goodwyn
Arnold	Byars	Delony	Goolsby
Bateman	Calhoun	Denson	Haley
Boswell	Carter	Dominick	Hamner
Braswell	Castleberry	Doster	Hanks
Bridges	Chichester	Douglass	Hare

Hendley	Miles	Posey (Walker)	Spence
Henson	Moore	Posey (Winston)	Staples
Hill	McDermott	Propst	Steele
Hollis	McGowin	Quarles	Street
Johnston	McPhaul	Rayburn	Taylor
Jones	Norman (Bullock)	Reeder	Terry
Kelly	Norman (Lowndes)	Reid	Tidmore
Kirby	Owen (Etowah)	Reynolds	Todd
Langdon	Owens (Madison)	Robinson (Lowndes)	Tolbert
Lee (Monroe)	Parish (Henry)	Sanford	Toomer
Long	Parish (Pike)	Shaver	Welch
Lusk	Petrey	Shipman	Williams
Matthews	Poole	Sightler	Wright
Merrill			

—81

Nay: Mr. Sanderson

— 1

RECONSIDERATION OF VOTE

Mr. Chichester moved to reconsider the vote by which the bill:

S. 16. To authorize and empower the governing bodies of each of the several counties composing the Twenty-first Judicial Circuit of Alabama, namely, the counties of Baldwin, Conecuh, Escambia, and Monroe, by resolution duly adopted and entered of record on the minutes of said governing bodies, or either of them, to pay to the Circuit Judge of said Circuit the sum of Twenty-five Dollars (\$25.00) per month, per county; said sums when so paid by each of said counties, to be in lieu of all expenses now allowed by law to said Circuit Judge while in his own Circuit.

Was defeated on the last Legislative day. Mr. Castleberry moved to table the motion of Mr. Chichester and the motion to table was lost and the motion of Mr. Chichester to reconsider the vote by which the bill, S. 16, was defeated was adopted.

Yeas, 53; Nays, 25.

Yeas:

Messrs.:

Adams	Goolsby	Moore	Sightler
Almon	Hamner	McDermott	Sparks (Barbour)
Arnold	Hanks	McGowin	Sparks (Walker)
Bateman	Harrison	McPhaul	Staples
Blann	Hill	Owens (Madison)	Steele
Boswell	Hollis	Parish (Henry)	Street
Bridges	Langdon	Quarles	Taylor
Bulger	Lee (Bullock)	Rayburn	Tolbert
Calhoun	Lee (Monroe)	Reeder	Tompkins
Carter	Lusk	Reynolds	Toomer
Chichester	Merrill	Robertson (Cullman)	Welch
Denson	Miles	Sanderson	Whigham
Glover	Miller	Sanford	Wright
Goodwyn			

—53

Nays:

Messrs.:

Mr. Speaker

Byars

Castleberry

Connor

Delony

Doster

Henson

Johnston

Jones

Long

Matthews

Norman (Bullock)

Norman (Lowndes)

Parish (Pike)

Petrey

Posey (Walker)

Posey (Winston)

Reid

Robinson (Lowndes)

Spence

Terry

Tidmore

Todd

Waldrep

Williams

—25

Mr. Castleberry offered the following substitute for the bill, S. 16:

Substitute for Senate bill 16:

A BILL

To be entitled An Act to authorize and empower the governing bodies of each of the several counties of Alabama, a resolution duly adopted and entered of record on the minutes of said governing bodies, or either of them, to pay to the Circuit Judge or Judges of any Circuit the sum of \$25 (Twenty-five dollars) per month, per county; said sums, when so paid by each or any of said counties to be in lieu of all expenses now allowed by law to said Circuit Judge or Judges while in his or their own Circuits. Provided, however, that this shall not apply to any circuit Judge now receiving more than \$4,000 (four thousand dollars) per year as compensation in any form including salaries and expense money or other forms of compensation.

Be it enacted by the Legislature of Alabama:

SECTION 1. That from and after the passage of this Act each of the several governing bodies of the Counties of Alabama are severally authorized and empowered by resolution duly adopted and entered of record on the minutes of governing bodies or either of them to pay to the Circuit Judge or Judges of any Circuit the sum of \$25 (Twenty-five dollars a month, per county, as expense for the conduct of this office.

SECTION 2. That said sum of \$25 (twenty-five dollars per month, per county, when authorized by the governing body of said counties or either of them shall be paid monthly out of the County Treasury of said County or Counties authorizing such payment. Upon the warrant of the said Circuit Judge such warrant to be paid as others of the Court are paid; the said sums when so paid by said counties, shall be in lieu of all other expenses now allowed by law to be paid a Circuit Judge while in his own Circuit.

SECTION 3. In the event the salary paid the Circuit Judge by the State of Alabama shall at any time be increased above that said Circuit Judge is now receiving, the amount paid monthly by each of said counties under this act shall be reduced proportionate-

ly to such increase in salary it being the intention of this Act to provide that the total salary paid by the State and the expense money paid by the Counties to a Circuit Judge shall at any time exceed the sum of \$5,200 (Five thousand two hundred dollars) per annum.

SECTION 4. This Act shall become effective upon its passage and approval and all laws and parts of laws in conflict herewith are hereby repealed.

SECTION 5. Provided, however, that this shall not apply to any Circuit Judge now receiving more than \$4,000 (four thousand dollars) per year as compensation in any form including salaries and expense money or other forms of compensation.

Mr. Lee (Monroe) made the point of order that the substitute was not germane to the bill and was not in order. The chair ruled that the point of order was well taken.

Mr. Castleberry offered the following amendment to the bill, S. 16:

Amend S. B. 16 so as to add thereto the following section: Sec. 5. This act shall not apply to Conecuh County.

On motion of Mr. Lee (Monroe) the amendment offered by Mr. Castleberry was laid on the table.

And the bill:

S. 16. To authorize and empower the governing bodies of each of the several counties composing the Twenty-first Judicial Circuit of Alabama, namely, the counties of Baldwin, Conecuh, Escambia and Monroe, by resolution duly adopted and entered of record on the minutes of said governing bodies, or either of them, to pay to the Circuit Judge of said Circuit the sum of Twenty-five Dollars (\$25.00) per month, per county; said sums, when so paid by each of said counties, to be in lieu of all expenses now allowed by law to said Circuit Judge while in his own Circuit.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 54; Nays, 25.

Yeas:

Messrs.:

Adams	Douglass	Lee (Monroe)	Reeder
Almon	Glover	Merrill	Reynolds
Arnold	Goodwyn	Miles	Robertson (Cullman)
Bateman	Goolsby	Miller	Sanderson
Blann	Hamner	Moore	Sanford
Boswell	Hanks	McDermott	Shaver
Bridges	Harrison	McGowin	Sightler
Buffington	Hendley	McPhaul	Sparks (Barbour)
Bulger	Hill	Owen (Etowah)	Sparks (Walker)
Calhoun	Hollis	Owens (Madison)	Spence
Castleberry	Langdon	Parish (Henry)	Steele
Denson	Lee (Bullock)	Quarles	Taylor

Tolbert Tompkins	Toomer Welch	Whigham	Wright	—54
<i>Nays:</i>				
<i>Messrs.:</i>				
Mr. Speaker	Jones	Norman (Lowndes)	Reid	
Byars	Kelly	Parish (Pike)	Robinson (Lowndes)	
Castleberry	Long	Petrey	Terry	
Delony	Lusk	Poole	Tidmore	
Doster	Matthews	Posey (Walker)	Todd	
Henson	Norman (Bullock)	Posey (Winston)	Williams	
Johnston				—25

PAIR ANNOUNCED

Mr. Rayburn announced a pair with Mr. Connor. If Mr. Connor were present he would vote Nay and Mr. Rayburn would vote Yea.

Mr. Taylor moved to reconsider the vote by which the bill was passed and then moved to lay the motion to reconsider on the table and the motion to table the motion to reconsider was adopted.

BILLS ON THIRD READING

H. 166. To amend Schedule 135 of Article XIII, Chapter 1, License Schedule, of An Act to provide for the General Revenue of the State of Alabama, approved July 10th, 1935.

Was taken up. The question was on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

Committee substitute for House bill No. 166:

A BILL

To be entitled An Act to amend Schedule 135 of Article XIII Chapter 1, License Schedule, of an act entitled "An Act to provide for the General Revenue of the State of Alabama," approved July 10, 1935.

Be it enacted by the Legislature of Alabama:

Section 1. That Schedule 135 of Article XIII, Chapter 1, License Schedule, of an act entitled "An Act to Provide for the General Revenue of the State of Alabama," approved July 10, 1935, be, and the same is hereby amended, to read as follows: Schedule 135: For each machine, device and/or table, which is operated or played by depositing a coin or slug in a slot, and on which music is played and/or on which games of skill are played, and/or on which balls drop in holes or sockets, and/or on which a person is weighed, shall pay the following license: Machine having a penny-in-the-

slot device used for weighing, One Dollar (\$1.00); all other penny-in-the-slot machines, five dollars (\$5.00); machine having a nickel-in-the-slot device, twenty-five dollars (\$25.00); machines having a device in which a coin of a larger denomination than a nickel is required or may be used to operate the machine, one-hundred dollars (\$100.00). Provided this schedule shall not apply to slot devices on locks on doors, motors, electric fans, telephones, postage stamp vending machines or meters. There is hereby levied a county license of one-half the above respective amounts. Cities, towns or municipalities are authorized to levy a city license of not more than one-half the amount of the state license; and no further or other license than that herein expressly provided shall be imposed by the state or any political subdivision thereof. The license herein required shall be attached to or securely pasted in a conspicuous place on the machine. A licensed machine may be transferred to any other place in the same county, provided such transfer of location is filed with the Probate Judge and posted by him on his license stub. If any machine which has not been licensed is found in or at any place of business, the owner, proprietor or operator of such establishment, store or place of business in which said machine is located shall be liable for said license. Upon payment of the licenses herein specified, maintenance and operation of the said machines shall be in all respects legal; provided, however, that no person shall permit any such machine to be operated by any minor under the age of 18 years, except when such minor shall be accompanied by his or her parent or guardian.

Nothing herein contained shall be construed as legalizing "Roscoe Machines" or in any wise affecting any of the provisions of Schedule 136 of Article XIII, Chapter 1, License Schedule of the State of Alabama, approved July 10, 1935.

Section 2. All laws in conflict herewith or with any of the provisions, hereof are hereby expressly repealed.

Mr. Arnold offered the following substitute for the substitute reported by the Standing Committee on Ways and Means:

Arnold substitue for committee substitute for House bill No. 166:

A BILL

To be entitled An Act to amend Schedule 135 of Article XIII, Chapter 1, License Schedule, of an act entitled "An Act to provide for the General Revenue of the State of Alabama," approved July 10, 1935.

Be it enacted by the Legislature of Alabama:

Section 1. That Schedule 135 of Article XIII, Chapter 1, License Schedule, of an act entitled "An Act to Provide for the General Revenue of the State of Alabama," approved July 10, 1935, be and the same is hereby amended to read as follows: Schedule 135: Each person engaged in the business of operating coin machines as hereinafter defined, in the State of Alabama shall pay an annual occupational tax of \$250.00. The payment of said license required by this Schedule shall authorize the doing of business in the State of Alabama and each subdivision thereof. In addition to said state occupational tax said person for each machine, device and/or table, which is operated or played by depositing a coin or slug in a slot on which games of skill are played, and/or on which balls drop in holes or sockets, and/or on which a person is weighed, shall pay the following license: Machine having a penny-in-the-slot device used for weighing, One Dollar (\$1.00); all other penny-in-the-slot machines, Five Dollars (\$5.00); machine having a nickel-in-the-slot device, Ten Dollars (\$10.00); machine having a device in which a coin of a larger denomination than a nickel is required or may be used to operate the machine, Fifty Dollars (\$50.00); machines on which music is played by the insertion of a five-cent piece in a slot, Seven Dollars Fifty Cents (\$7.50); ten-cent slots, Fifteen Dollars (\$15.00); provided this schedule shall not apply to slot devices on locks on doors, motors, electric fans, telephones, postage stamp vending machines or meters. There is hereby levied a county license of one-half the above respective amounts. Cities, towns or municipalities are authorized to levy for the privilege of operating such machines in each city of the state, a city license of not more than one-half the amount of the state license per machine; and no further or other occupational tax or license than that herein expressly provided shall be imposed by the state or any political subdivision thereof. The license herein required shall be attached to or securely pasted in a conspicuous place on the machine. A licensed machine may be transferred to any other place in the same county, provided such transfer of location is filed with the Probate Judge and posted by him on his license stub. If any machine which has not been licensed is found in or at any place of business, the owner, proprietor or operator of such establishment, store or place of business in which said machine is located shall be liable for said license. Upon payment of the licenses herein specified, maintenance and operation of the said machines shall be in all respects legal; provided, however, that no person shall permit any such machine to be operated by any minor under the age of 18 years, except when such minor shall be accompanied by his or her parent or guardian.

Nothing herein contained shall be construed as legalizing "Roscoe Machines" or in any wise affecting any of the provisions

of Schedule 136 of Article XIII, Chapter 1, License Schedule of the State of Alabama, approved July 10, 1935.

Section 2. All laws in conflict herewith or with any of the provisions hereof are hereby expressly repealed.

Section 3. The manner, form, design and method of issuing licenses shall be governed by rules and regulations prescribed by the State Tax Commission made from time to time and the Commission shall have authority to promulgate rules designed to prevent evasion in the payment of the licenses hereinabove described.

On motion of Mr. Dominick the substitute offered by Mr. Arnold for the committee substitute was laid on the table.

On motion of Mr. Dominick the bill, H. 166, and pending substitute were laid on the table.

H. 147. To provide for the general revenue of the State of Alabama.

Was taken up. The question was on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Committee amendment H. 147: Amend House bill 147 by striking from Section 1 the last sentence in said section reading as follows: "Provided that none of the provisions herein shall be taken or construed as legalizing the operation of such machines, devices or tables."

Mr. Kelly moved to indefinitely postpone the bill, H. 147, and pending amendment and the motion was lost.

Yeas, 42; Nays, 48.

Yeas:

Messrs.:

Mr. Speaker	Johnston	Petrey	Spence
Adams	Jones	Poole	Staples
Austin	Kelly	Posey (Walker)	Street
Bateman	Long	Rayburn	Taylor
Calhoun	Lusk	Reid	Terry
Chichester	Moore	Robinson (Lowndes)	Tidmore
Dominick	McDermott	Sanderson	Todd
Doster	McGowin	Shaver	Waldrep
Douglass	Norman (Bullock)	Sightler	Welch
Haley	Norman (Lowndes)	Sparks (Barbour)	Williams
Hare	Parish (Henry)		

—42

Nays:

Messrs.:

Almon	Burleson	Hamner	Lee (Bullock)
Arnold	Byars	Hanks	Lee (Monroe)
Blann	Carter	Harrison	Matthews
Boswell	Cook	Hendley	Merrill
Braswell	Denson	Henson	Miles
Bridges	Glover	Hill	Miller
Buffington	Goodwyn	Kirby	McPhaul
Bulger	Goolsby	Langdon	Owen (Etowah)

Owens (Madison)	Reeder	Shipman	Tompkins
Parish (Pike)	Reynolds	Sparks (Walker)	Toomer
Propst	Robertson (Cullman)	Steele	Whigham
Quarles	Sanford	Tolbert	Wright

—48

The amendment reported by the Standing Committee on Ways and Means was defeated.

Yeas, 16; Nays, 73.

Yeas:

Messrs.:

Blann	Chichester	Lee (Bullock)	Reynolds
Bulger	Goodwyn	McDermott	Sanderson
Calhoun	Goolsby	McPhaul	Shipman
Carter	Hanks	Parish (Pike)	Taylor

—16

Nays:

Messrs.:

Mr. Speaker	Hamner	McGowin	Sightler
Adams	Hare	Norman (Bullock)	Sparks (Barbour)
Almon	Harrison	Norman (Lowndes)	Sparks (Walker)
Arnold	Hendley	Owen (Etowah)	Spence
Austin	Henson	Owens (Madison)	Staples
Bateman	Hill	Parish (Henry)	Steele
Boswell	Johnston	Petrey	Street
Bridges	Jones	Poole	Terry
Buffington	Kelly	Posey (Walker)	Tidmore
Burleson	Kirby	Propst	Todd
Byars	Lee (Monroe)	Quarles	Tolbert
Castleberry	Long	Rayburn	Tompkins
Cook	Lusk	Reeder	Toomer
Denson	Matthews	Reid	Waldrep
Dominick	Merrill	Robertson (Cullman)	Welch
Doster	Miles	Robinson (Lowndes)	Whigham
Douglass	Miller	Sanford	Williams
Glover	Moore	Shaver	Wright
Haley			

—73

Mr. Waldrep offered the following amendment to the bill, H. 147:

Waldrep Amendment H. 147:

Amend Caption of House bill No. 147 by striking therefrom the words "To provide for the general revenue of the State of Alabama" and substitute therefor the following—"To amend Schedule 135 of Article XIII Chapter 1 License Schedule of an act to provide for the General Revenue of the State of Alabama approved July 10, 1935."

Amend Section 1 of said bill by adding immediately after the words "Section 1" the following: "Amend Schedule 135 to read as follows"

Mr. Harrison moved to table the amendment offered by Mr. Waldrep and the motion to table was lost.

Yeas, 40; Nays, 50.

Yeas:

Messrs.:

Almon	Denson	Langdon	Reid
Arnold	Glover	Lee (Monroe)	Reynolds
Blann	Goodwyn	Merrill	Sanford
Boswell	Hamner	Miles	Sparks (Walker)
Bridges	Harrison	Miller	Staples
Bulger	Hendley	McPhaul	Steele
Burleson	Henson	Owen (Etowah)	Tolbert
Byars	Hill	Owens (Madison)	Tompkins
Carter	Johnston	Propst	Toomer
Delony	Kirby	Reeder	Wright

—40

Nays:

Messrs.:

Mr. Speaker	Hanks	Parish (Henry)	Sightler
Adams	Hare	Parish (Pike)	Sparks (Barbour)
Austin	Jones	Petrey	Spence
Bateman	Kelly	Poole	Street
Braswell	Lee (Bullock)	Posey (Walker)	Taylor
Buffington	Long	Posey (Winston)	Terry
Calhoun	Lusk	Quarles	Tidmore
Chichester	Matthews	Rayburn	Todd
Cook	Moore	Robinson (Lowndes)	Waldrep
Dominick	McDermott	Sanderson	Welch
Doster	McGowin	Shaver	Whigham
Goolsby	Norman (Bullock)	Shipman	Williams
Haley	Norman (Lowndes)		

—50

PAIR ANNOUNCED

Mr. Douglass announced a pair with Mr. Connor. If Mr. Connor were present he would vote Nay and Mr. Douglass would vote Yea.

The amendment offered by Mr. Waldrep to the bill, H. 147, was adopted.

Yeas, 49; Nays, 42.

Yeas:

Messrs.:

Mr. Speaker	Doster	Matthews	Posey (Winston)
Adams	Goolsby	Moore	Quarles
Austin	Haley	McDermott	Rayburn
Bateman	Hanks	McGowin	Robinson (Lowndes)
Braswell	Hare	Norman (Bullock)	Sanderson
Calhoun	Jones	Norman (Lowndes)	Shaver
Castleberry	Kelly	Parish (Henry)	Shipman
Chichester	Lee (Bullock)	Parish (Pike)	Sightler
Cook	Long	Petrey	Sparks (Barbour)
Dominick	Lusk	Posey (Walker)	Spence

Street	Tidmore	Waldrep	Whigham
Taylor	Todd	Welch	Williams
Terry			
—49			
<i>Nays:</i>			
Messrs.:			
Almon	Denson	Lee (Monroe)	Reynolds
Arnold	Glover	Merrill	Robertson (Cullman)
Blann	Goodwyn	Miles	Sanford
Boswell	Hamner	Miller	Sparks (Walker)
Bridges	Harrison	McPhaul	Staples
Buffington	Hendley	Owen (Etowah)	Steele
Bulger	Henson	Owens (Madison)	Tolbert
Burleson	Hill	Propst	Tompkins
Byars	Johnston	Reeder	Toomer
Carter	Kirby	Reid	Wright
Delony	Langdon		
—42			

PAIR ANNOUNCED

Mr. Douglass announced a pair with Mr. Conner. If Mr. Conner were present he would vote Yea and Mr. Douglass would vote Nay.

And the bill:

H. 147. To provide for the general revenue of the State of Alabama.

As amended, was read a third time at length and passed.

Yeas, 58; Nays, 34.

<i>Yeas:</i>			
Messrs.:			
Almon	Doster	Lusk	Robertson (Cullman)
Arnold	Glover	Merrill	Sanford
Blann	Goodwyn	Miles	Shaver
Boswell	Goolsby	Miller	Shipman
Braswell	Haley	McPhaul	Sightler
Bridges	Hamner	Owen (Etowah)	Sparks (Walker)
Buffington	Harrison	Owens (Madison)	Staples
Bulger	Hendley	Parish (Pike)	Steele
Burleson	Henson	Posey (Winston)	Tidmore
Byars	Hill	Propst	Tolbert
Calhoun	Johnston	Quarles	Tompkins
Carter	Kirby	Reeder	Toomer
Cook	Langdon	Reid	Whigham
Delony	Lee (Bullock)	Reynolds	Wright
Denson	Lee (Monroe)		
—58			

<i>Nays:</i>			
Messrs.:			
Mr. Speaker	Dominick	Long	Norman (Lowndes)
Adams	Douglass	Matthews	Parish (Henry)
Austin	Hanks	Moore	Petrey
Bateman	Hare	McDermott	Posey (Walker)
Castleberry	Jones	McGowin	Rayburn
Chichester	Kelly	Norman (Bullock)	Robinson (Lowndes)

Sanderson	Street	Terry	Taylor
Sparks (Barbour)	Waldrep	Williams	Welch
Spence	Todd		

—34

The chair ruled that the bill, H. 147, had been included in the Governor's proclamation calling an extra session of the Legislature and had been passed by a majority vote.

PROTEST IN WRITING

Representative W. C. Taylor of Mobile filed the following protest in writing:

Mr. Speaker:

I object to the Speaker's declaration to the effect that H. 147 passed on the ground that it did not receive two-thirds majority vote of the House and was not in the Governor's call.

W. C. Taylor.

SENATE WITHOUT ENGROSSMENT

On motion of Mr. Harrison the bill, H. 147, was ordered sent forthwith to the Senate without engrossment.

RESOLUTION

Mr. Poole offered the following resolution:

By Mr. Poole:

H. R. 47. Be it resolved by the House of Representatives that House Bill No. 313 be and hereby is made a permanent, paramount and continuing order of business of the House of Representatives until disposed of for the twenty-first Legislative day (21st).

The resolution was referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 186. To validate and make a lawful debt of Mobile County, \$6,385.00 in warrants heretofore issued by said county to the Mobile County Department of Public Welfare, and to require the registration and payment thereof out of the consolidated treasury of Mobile County. To repeal all laws in conflict herewith and to fix the time when this act shall become effective.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following bill and sends same herewith to the House without engrossment:

By Mr. Swift:

S. 138. To fix, Prescribe and authorize a classification or application of certain Utility rates to be charged by the Public Utilities doing business in the State of Alabama, against public schools, churches, hospitals, and all other eleemosynary institutions.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bill, S. 138, the title to which is set out in the above and foregoing Message from the Senate, was read one time and referred to the Standing Committee on Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate accedes to the request of the House for a Committee of Conference on the disagreement of the two houses on the Senate amendment to the bill:

H. 123. To amend an act entitled "An Act to amend sections II, III, V, and VI of an Act entitled 'An Act to define, regulate and license barbers and barber colleges, and other like businesses in counties of the State of Alabama having a population of three hundred thousand or over, according to the last or any subsequent Federal Census; to create a barbers' Commission for said Counties; and to provide a penalty for the violation of the provisions hereof' which became a law July 24, 1931, under Section 125 of the Constitution," approved September 9th, 1935.

And the President of the Senate named as a committee on part of the Senate Messrs. Simpson, Weaver and Tucker.

J. E. Speight,
Secretary.

RECESS

On motion of Mr. Harrison the House recessed until 3:45 o'clock P.M.

TWENTIETH DAY—AFTERNOON SESSION

The hour of 3:45 o'clock P.M. having arrived the House reconvened.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate bill your signature thereto is requested:

S. 16. To authorize and empower the governing bodies of each of the several counties composing the Twenty-first Judicial Circuit of Alabama, namely, the counties of Baldwin, Conecuh, Escambia and Monroe, by resolution duly adopted and entered of record on the minutes of said governing bodies, or either of them, to pay to the Circuit Judge of said Circuit the sum of Twenty-five Dollars (\$25.00) per month, per county; said sums, when so paid by each of said counties, to be in lieu of all expenses now allowed by law to said Circuit Judge while in his own Circuit.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing Message from the Senate.

REPORT OF COMMITTEE ON CONFERENCE

To the Senate and House of Representatives of Alabama:

We, your Conference Committee, appointed on the disagreement on H. B. 123, beg leave to report as follows:

We recommend that the Senate Amendment be withdrawn and that in lieu thereof substitute the following amendment, and as thus amended, said Committee recommends that the bill be passed:

Strike from Section 1 thereof (on page 2) the words "and an inspector" where the same first occur together therein and insert in lieu thereof the following words:

"and the County Health Officer of the County affected shall appoint an inspector who shall be a practicing barber of three or more years experience and who shall receive a salary to be fixed by the County Health Officer and be dischargeable at his pleasure"

Further strike from Section 1 thereof the words:

"And fix their compensation" where the same occur together therein (page 2) and insert in lieu thereof the words:

"and fix the compensation of the Secretary-examiner"

Further insert in Section 1 thereof immediately following the words "fund of the County" where same occur together therein (page 2) the following additional words:

"except that the check for the salary of the inspector may be signed either by the Chairman of the Board, or in event of his absence, failure, or refusal, such check may be signed by the said County Health Officer".

L. A. WEAVER,
HAYSE TUCKER,
J. A. SIMPSON,
Conferees on part of Senate.
J. R. TODD,
V. J. DOUGLASS
V. C. ADAMS

Conferees on part of House of Representatives.

CONFERENCE REPORT

On motion of Mr. Todd the House concurred in and adopted the report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 123. To amend an act entitled "An Act to amend Sections II, III, V, and VI of an Act entitled 'An Act to define, regulate and license barbers and barber colleges, and other like businesses in counties of the State of Alabama having a population of three hundred thousand or over, according to the last or any subsequent Federal Census; to create a barbers' Commission for said Counties; and to provide a penalty for the violation of the provisions hereof,' which became a law July 24, 1931, under Section 125 of the Constitution," approved September 9th, 1935.

Yeas, 65; Nays, 1.

Yeas:

Messrs.:

Mr. Speaker	Denson	Long	Reynolds
Adams	Doster	Lusk	Robertson (Cullman)
Almon	Douglass	Miles	Sanford
Austin	Glover	Miller	Shaver
Bateman	Goolsby	Moore	Shipman
Blann	Haley	McGowin	Sightler
Boswell	Hall	McPhaul	Spence
Braswell	Hanks	Owen (Etowah)	Steele
Bridges	Hare	Owens (Madison)	Street
Bulger	Harrison	Petrey	Taylor
Burleson	Henson	Poole	Terry
Byars	Hill	Propst	Todd
Calhoun	Hodges	Quarles	Tolbert
Carter	Jones	Rayburn	Toomer
Chichester	Kelly	Reeder	Waldrep
Connor	Kirby	Reid	Welch
Cook			

—65

Nay: Mr. Arnold

— 1

And the bill, as thus amended, by the report of the Committee of Conference, was again read a third time at length and passed by a two-thirds majority of the House.

Yeas, 65; Nays 1.

Yeas:

Messrs.:

Mr. Speaker	Denson	Long	Reynolds
Adams	Doster	Lusk	Robertson (Cullman)
Almon	Douglass	Miles	Sanford
Austin	Glover	Miller	Shaver
Bateman	Goolsby	Moore	Shipman
Blann	Haley	McGowin	Sightler
Boswell	Hall	McPhaul	Spence
Braswell	Hanks	Owen (Etowah)	Steele
Bridges	Hare	Owens (Madison)	Street
Bulger	Harrison	Petrey	Taylor
Burleson	Henson	Poole	Terry
Byars	Hill	Propst	Todd
Calhoun	Hodges	Quarles	Tolbert
Carter	Jones	Rayburn	Toomer
Chichester	Kelly	Reeder	Waldrep
Connor	Kirby	Reid	Welch
Cook			

—65

Nay: Mr. Arnold

— 1

BILLS ON THIRD READING

H. 399. To relieve all persons in Lauderdale County, Alabama, of any legal obligation to work on the public roads or streets in said county, or to pay any money in lieu of such obligation to work on the public roads or streets in Lauderdale County, Alabama.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Cook	Long	Reynolds
Adams	Denson	Lusk	Robertson (Cullman)
Almon	Doster	Miles	Sanford
Arnold	Douglass	Miller	Shaver
Austin	Glover	Moore	Shipman
Bateman	Goolsby	McGowin	Sightler
Blann	Haley	McPhaul	Spence
Boswell	Hall	Owen (Etowah)	Steele
Braswell	Hanks	Owens (Madison)	Street
Bridges	Hare	Petrey	Taylor
Bulger	Harrison	Poole	Terry
Burleson	Henson	Propst	Todd
Byars	Hill	Quarles	Tolbert
Calhoun	Hodges	Rayburn	Toomer
Carter	Jones	Reeder	Waldrep
Chichester	Kelly	Reid	Welch
Connor	Kirby		

—66

On motion of Mr. Reeder the bill, H. 399, was ordered sent forthwith to the Senate without engrossment.

H. 398. A Bill to be entitled An Act to submit to the qualified voters of the State at the next general election to be held on the first Tuesday after the first Monday in November, 1936, for their consideration, an Amendment to the Constitution of the State of Alabama to be known as Amendment No. to fix the compensation of the Probate Judge, the Tax Collector and the Tax Assessor of Limestone County.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration as hereinafter set forth, namely:

"Amendment to Constitution by the addition of Section..... From and after the day of, 19, the Probate Judge, the Tax Collector and the Tax Assessor of Limestone County shall each continue to collect all fees, charges, benefits and penalties accruing to such offices or to the holders thereof and shall pay the same into, and the same shall be covered into the general fund of the Treasury of Limestone County. Thereafter the Probate Judge shall be paid out of the General Fund of the Treasury of said County in equal monthly installments the sum of Six Thousand Dollars, (\$6,000.00) and no more per annum as salary and as reimbursement for his clerk hire, and the Tax Collector and the Tax Assessor shall each be paid the sum of Three Thousand Dollars (\$3,000.00) from the same fund for the same purposes and in the same installments. The Probate Judge, the Tax Collector and the Tax Assessor shall each be provided by the governing body of said County with a furnished office and equipment and supplies for the carrying on of the duties of their respective office, but they shall not be provided with any clerical hire."

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in the State at least four successive weeks next preceding the general election in November, 1936, of the election and the amendment proposed by this Act to be submitted to the qualified voters of the State for their consideration, together with the proposed amendment.

Section 3. That at the general election held on the first Tuesday after the first Monday in November, 1936, the foregoing amendment shall be submitted to the qualified electors of the State. Upon the ballots used at such election shall be printed the foregoing Amendment as set forth in Section One hereof in full. Following the proposed Amendment on the ballot shall be printed the word

"Yes" and immediately under that shall be printed the word "No". The choice of the elector shall be indicated by a cross mark beside the word expressing his desire.

Section 4. The officers of such general election shall conduct a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon such proposed amendment the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of State and counted in the same manner as in elections for Representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor.

Was taken up. Speaker Walker offered the following amendment to the bill, H. 398:

AMENDMENT TO HOUSE BILL NO. 398

Amend H. B. 398 by striking therefrom Section 1, and inserting in lieu thereof a new Section 1 to be in words and figures as follows:

"Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration as hereinafter set forth, namely:

Amendment to Constitution by the addition of Section..... After the respective effective dates hereof the Probate Judge, the Tax Collector and the Tax Assessor of Limestone County shall each continue to collect all fees, charges, benefits and penalties accruing to such offices or to the holders thereof and shall pay the same into, and the same shall be covered into the general fund of the Treasury of Limestone County. Thereafter the Probate Judge shall be paid out of the General Fund of the Treasury of said County in equal monthly installments the sum of Six Thousand Dollars (\$6,000.00) and no more per annum as salary and as reimbursement for his clerk hire, and the Tax Collector and the Tax Assessor shall each be paid the sum of Three Thousand Dollars (\$3,000.00) from the same fund for the same purposes and in the same installments. The Probate Judge, the Tax Collector and the Tax Assessor shall each be provided by the governing body of said County with a furnished office and equipment and supplies for the carrying on of the duties of their respective office, but they shall not be provided with any clerical hire. The provisions hereof shall

be effective with respect to the Probate Judge at the beginning of the term of office of the Probate Judge elected in November, 1940, and with respect to the Tax Collector and the Tax Assessor at the beginning of the term of office of the Tax Collector and the Tax Assessor elected in November, 1938."

And the amendment was adopted.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Cook	Long	Reynolds
Adams	Denson	Lusk	Robertson (Cullman)
Almon	Doster	Miles	Sanford
Arnold	Douglass	Miller	Shaver
Austin	Glover	Moore	Shipman
Bateman	Goolsby	McGowin	Sightler
Blann	Haley	McPhaul	Spence
Boswell	Hall	Owen (Etowah)	Steele
Braswell	Hanks	Owens (Madison)	Street
Bridges	Hare	Petrey	Taylor
Bulger	Harrison	Poole	Terry
Burleson	Henson	Propst	Todd
Byars	Hill	Quarles	Tolbert
Calhoun	Hodges	Rayburn	Toomer
Carter	Jones	Reeder	Waldrep
Chichester	Kelly	Reid	Welch
Connor	Kirby		

—66

And the bill:

H. 398. A Bill to be entitled An Act to submit to the qualified voters of the State at the next general election to be held on the first Tuesday after the first Monday in November, 1936, for their consideration, an Amendment to the Constitution of the State of Alabama to be known as Amendment No. to fix the compensation of the Probate Judge, the Tax Collector and the Tax Assessor of Limestone County.

Be it enacted by the Legislature of Alabama:

"Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration as hereinafter set forth, namely:

"Amendment to Constitution by the addition of Section.....
From and after the..... day of....., 19....., the Probate Judge, the Tax Collector and the Tax Assessor of Limestone County shall each continue to collect all fees, charges, benefits and penalties accruing to such offices or to the holders thereof and shall pay the same into, and the same shall be covered into the general fund of the Treasury of Limestone County. Thereafter the Probate Judge shall be paid out of the General Fund of the Treasury of said County in equal monthly installments the sum of Six Thou-

sand Dollars, (\$6,000.00) and no more per annum as salary and as reimbursement for his clerk hire, and the Tax Collector and the Tax Assessor shall each be paid the sum of Three Thousand Dollars (\$3,000.00) from the same fund for the same purposes and in the same installments. The Probate Judge, the Tax Collector and the Tax Assessor shall each be provided by the governing body of said County with a furnished office and equipment and supplies for the carrying on of the duties of their respective office, but they shall not be provided with any clerical hire."

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in the State at least four successive weeks next preceding the general election in November, 1936, of the election and the amendment proposed by this Act to be submitted to the qualified voters of the State for their consideration, together with the proposed amendment.

Section 3. That at the general election held on the first Tuesday after the first Monday in November, 1936, the foregoing Amendment shall be submitted to the qualified electors of the state. Upon the ballots used at such election shall be printed the foregoing Amendment as set forth in Section One hereof in full. Following the proposed Amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No". The choice of the elector shall be indicated by a cross mark beside the word expressing his desire.

Section 4. The officers of such general election shall conduct a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon such proposed amendment the votes cast thereat shall be canvassed tabulated and the returns thereof be made to the Secretary of State and counted in the same manner as in elections for Representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor.

As amended, was read a third time at length and passed.

Yeas, 72; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker

Adams

Almon

Arnold

Austin

Bateman

Blann

Braswell

Burleson

Byars

Carter

Castleberry

Chichester

Cook

Davis

Delony

Denson	Jones	Norman (Lowndes)	Shaver
Dominick	Kelly	Owens (Madison)	Sightler
Doster	Kirby	Parish (Henry)	Sparks (Walker)
Goodwyn	Langdon	Parish (Pike)	Spence
Goolsby	Lee (Bullock)	Poole	Staples
Hall	Lee (Monroe)	Posey (Winston)	Steele
Hamner	Lusk	Quarles	Street
Hanks	Merrill	Rayburn	Terry
Harrison	Miles	Reeder	Tidmore
Henson	Miller	Reid	Todd
Hill	Moore	Reynolds	Welch
Hodges	McDermott	Robertson (Cullman)	Whigham
Hollis	McGowin	Robinson (Lowndes)	Williams
Johnston	Norman (Bullock)	Sanford	Wright

—72

On motion of Mr. Walker the bill, H. 398, was ordered sent forthwith to the Senate without engrossment.

S. 148. To ratify and approve the payment of \$171.71 that was made by the Treasurer of Elmore County, Alabama to the Southern Bell Telephone and Telegraph Company, Incorporated, upon warrants drawn on claims that were approved by the Court of County Commissioners of said County for a telephone for the office of the County or Deputy Solicitor of said County during the time between the dates of January 15, 1928 and January 15, 1934, both inclusive. Said sum of \$171.71 having been paid as aforesaid under and by virtue of an Act of the Legislature of Alabama, entitled "An Act to amend an Act "To authorize the Court of County Commissioners, the Board of Revenue and Road Commissioners, or like body, in each County in the State to provide telephones for the office of clerks and registers of the circuit courts, the office of the sheriff, the office of the jailer, and the judge of probate of their respective counties," approved September 25, 1919", General Acts of Alabama of 1927, page 218, which said Act having heretofore been declared invalid by the Attorney General of Alabama, as to the payment of said sum.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Bulger	Douglass	Hodges
Adams	Burleson	Glover	Jones
Almon	Byars	Goolsby	Kelly
Arnold	Calhoun	Haley	Kirby
Austin	Carter	Hall	Long
Bateman	Chichester	Hanks	Lusk
Blann	Connor	Hare	Miles
Boswell	Cook	Harrison	Miller
Braswell	Denson	Henson	Moore
Bridges	Doster	Hill	McGowin

McPhaul	Rayburn	Shipman	Terry
Owen (Etowah)	Reeder	Sightler	Todd
Owens (Madison)	Reid	Spence	Tolbert
Petrey	Reynolds	Steele	Toomer
Poole	Robertson (Cullman)	Street	Waldrep
Propst	Sanford	Taylor	Welch
Quarles	Shaver		

—66

S. 150. For the relief of W. E. Butler, Probate Judge of Madison County, Alabama.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Cook	Long	Reynolds
Adams	Denson	Lusk	Robertson (Cullman)
Almon	Doster	Miles	Sanford
Arnold	Douglass	Miller	Shaver
Austin	Glover	Moore	Shipman
Bateman	Goolsby	McGowin	Sightler
Blann	Haley	McPhaul	Spence
Boswell	Hall	Owen (Etowah)	Steele
Braswell	Hanks	Owens (Madison)	Street
Bridges	Hare	Petrey	Taylor
Bulger	Harrison	Poole	Terry
Burleson	Henson	Propst	Todd
Byars	Hill	Quarles	Tolbert
Calhoun	Hodges	Rayburn	Toomer
Carter	Jones	Reeder	Waldrep
Chichester	Kelly	Reid	Welch
Connor	Kirby		

—66

H. 394. To establish the Attalla-Gadsden Sanitary District in Etowah County, Alabama, and define the boundaries, powers, duties and authority thereof; to create a commission composed of five resident adult citizens of said district as the governing body of said Sanitary District, and to define the jurisdiction, powers, duties and authority of said Commission and to fix the terms of office and provide for the appointment of the members thereof; to authorize said Sanitary District and said Commission to borrow money and issue bonds or other obligations to pay therefor, for the construction of sewer pipe lines, conduits and excavations and other structures and works in connection therewith and treatment of purification plants and other structures and appliances in connection therewith in said Sanitary District; to authorize and empower said Sanitary District and said Commission to charge and collect for the use of or the connecting with said sewer pipe lines, conduits and other structures and said treatment or purification plants and other structures, and to do all things and exercise all rights and powers

heretofore conferred upon sanitary districts in the state, or which may hereafter be conferred upon them, by law, and to do all things necessary, proper or advantageous in the construction, establishment and maintenance of all structures, pipe lines, conduits or appliances in the collection, carrying away, disposal of, or treatment and purification of sewage, drainage and the like in said District, and to confer upon said Sanitary District the powers of a public corporation and of eminent domain for the acquirement of lands, properties, easements and rights of way and to authorize said Sanitary District and said Commission in the name thereof to sue and to be sued in the courts in matters relating to the property, property rights, construction, operation and maintenance of the business of said District in the collection, disposal, treatment and purification of sewage and the drainage in said District.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Cook	Long	Reynolds
Adams	Denson	Lusk	Robertson (Cullman)
Almon	Doster	Miles	Sanford
Arnold	Douglass	Miller	Shaver
Austin	Glover	Moore	Shipman
Bateman	Goolsby	McGowin	Sightler
Blann	Haley	McPhaul	Spence
Boswell	Hall	Owen (Etowah)	Steele
Braswell	Hanks	Owens (Madison)	Street
Bridges	Hare	Petrey	Taylor
Bulger	Harrison	Poole	Terry
Burleson	Henson	Propst	Todd
Byars	Hill	Quarles	Tolbert
Calhoun	Hodges	Rayburn	Toomer
Carter	Jones	Reeder	Waldrep
Chichester	Kelly	Reid	Welch
Connor	Kirby		

—66

On motion of Mr. Lusk the bill, H. 394 was ordered sent forthwith to the Senate without engrossment.

H. 404. To repeal an act entitled an act, To regulate the business of money brokers and persons who lend money for themselves or others on bill of sale, notes or mortgages on personal property or other personal security, in Jefferson, Morgan, Walker and Etowah Counties.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Cook	Long	Reynolds
Adams	Denson	Lusk	Robertson (Cullman)
Almon	Doster	Miles	Sanford
Arnold	Douglass	Miller	Shaver
Austin	Glover	Moore	Shipman
Bateman	Goolsby	McGowin	Sightler
Blann	Haley	McPhaul	Spence
Boswell	Hall	Owen (Etowah)	Steele
Braswell	Hanks	Owens (Madison)	Street
Bridges	Hare	Petrey	Taylor
Bulger	Harrison	Poole	Terry
Burleson	Henson	Propst	Todd
Byars	Hill	Quarles	Tolbert
Calhoun	Hodges	Rayburn	Toomer
Carter	Jones	Reeder	Waldrep
Chichester	Kelly	Reid	Welch
Connor	Kirby		

—66

On motion of Mr. Almon the bill, H. 404, was ordered sent forthwith to the Senate without engrossment.

H. 318. To provide that the per diem compensation of members of the Court of County Commissioners of Coffee County, Alabama, be allowed and paid out of the gasoline excise tax funds of the County instead of out of the general funds of the County as now provided by law, and to repeal all laws in conflict with this Act.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Cook	Long	Reynolds
Adams	Denson	Lusk	Robertson (Cullman)
Almon	Doster	Miles	Sanford
Arnold	Douglass	Miller	Shaver
Austin	Glover	Moore	Shipman
Bateman	Goolsby	McGowin	Sightler
Blann	Haley	McPhaul	Spence
Boswell	Hall	Owen (Etowah)	Steele
Braswell	Hanks	Owens (Madison)	Street
Bridges	Hare	Petrey	Taylor
Bulger	Harrison	Poole	Terry
Burleson	Henson	Propst	Todd
Byars	Hill	Quarles	Tolbert
Calhoun	Hodges	Rayburn	Toomer
Carter	Jones	Reeder	Waldrep
Chichester	Kelly	Reid	Welch
Connor	Kirby		

—66

On motion of Mr. Braswell the bill, H. 318, was ordered sent forthwith to the Senate without engrossment.

H. 379. To provide for the drawing, summoning and empaneling of the juries for the Circuit Courts of Marshall County, and in every way providing a special jury law for Marshall County, and repealing all laws or parts of laws in conflict with the provisions of this Act.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Cook	Long	Reynolds
Adams	Denson	Lusk	Robertson (Cullman)
Almon	Doster	Miles	Sanford
Arnold	Douglass	Miller	Shaver
Austin	Glover	Moore	Shipman
Bateman	Goolsby	McGowin	Sightler
Blann	Haley	McPhaul	Spence
Boswell	Hall	Owen (Etowah)	Steele
Braswell	Hanks	Owens (Madison)	Street
Bridges	Hare	Petrey	Taylor
Bulger	Harrison	Poole	Terry
Burleson	Henson	Propst	Todd
Byars	Hill	Quarles	Tolbert
Calhoun	Hodges	Rayburn	Toomer
Carter	Jones	Reeder	Waldrep
Chichester	Kelly	Reid	Welch
Connor	Kirby		

—66

On motion of Mr. Rayburn the bill, H. 379, was ordered sent forthwith to the Senate without engrossment.

By Mr. Reid:

H. 294. A Bill to be entitled An Act to propose an amendment to the Constitution of the State of Alabama of 1901, whereby the Town of Montevallo, Alabama, may levy and collect a rate of taxation on the property situated therein not exceeding in the total in any one year one and one half per centum of the value of such property, as assessed, as provided by the Constitution and statutes now or hereafter enacted pursuant to the Constitution; provided that the total rate of taxation levied by such municipal corporation shall not in any one year exceed one per centum, unless the rate in excess thereof shall have been submitted to and authorized by ballot by the qualified electors of such municipality, at an election or elections to be held by it from time to time for such purpose, and to order an election of the qualified electors of the State of Alabama upon such proposed amendment to be held at the next general election for state and county officers in November 1936.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama of 1901 is hereby proposed and an election

is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment, and the day hereby appointed for such election is the general election to be held in 1936.

The proposed amendment is as follows:

The Town of Montevallo, Alabama, shall have the power and right to levy and collect a tax of one half of one per centum in any one year on property situated therein based on the valuation of such property as assessed for State taxation for the tax year ending on the 30th day of September next succeeding the levy; provided, that for the purpose of paying bonds issued and outstanding at the time of the adoption of this amendment and the interest thereon, and for the purpose of paying bonds which may be issued after the adoption of this amendment and the interest thereon, an additional tax of one half of one per centum may be levied and collected by said municipality, provided, further, that a majority of the qualified electors of said municipality voting at an election called for that purpose may vote a special tax not to exceed one half of one per centum in any one year for any special purpose, or purposes for which it is levied and collected; provided, however, that the total tax to be levied shall not exceed one and one half ($1\frac{1}{2}$) per centum in any one year. Provided, further, that the adoption of this amendment shall in no wise affect, limit, modify, abridge or impair the power, authority or right of said municipal corporation to levy and collect the special school taxes, now or hereafter vested in or conferred upon it, under the Constitution or any amendment thereto. Each election held under the provisions hereof shall be ordered, held, canvassed and may be contested in the same manner as is or may be provided by law applicable to municipal corporations for elections to authorize the issuance of municipal bonds. The ballots used at such election shall contain the words: "For _____ excess rate of taxation for the year (or years) _____;" and "Against _____ excess rate of taxation for the year (or years) _____". The rate of taxation proposed in excess of the rate of one (1) per centum to be shown in the blank space provided therefor, and the year or years in which the proposed rate is to apply to be shown in the blank space provided therefor. The voter shall record his choice, whether for or against the excess rate shown by placing a cross mark before the words expressing his choice. Nothing herein contained shall in any wise change or affect the right of any holder of bonds of said municipal corporation heretofore issued. Elections to authorize the levy of such special tax may be held as often as ordered by the governing body of the municipality, but when a proposition is submitted to the electors of said municipality to levy a special tax for a specified purpose, and such proposition is defeated, no

second election for the same purpose shall be held in one year thereafter.

Section 2. It shall be the duty of the governor to give notice by proclamation, to be published in one newspaper in each county in the State, at least eight consecutive weeks next preceding the said election on the amendment proposed by this act to be submitted to the qualified electors of the State for their consideration, together with the proposed amendment.

Section 3. That at the said election on the amendment proposed by this act to be submitted to the qualified electors of the State for their consideration, to be held as herein provided for, the qualified electors shall vote upon said amendment, and on the official ballots printed for such election there shall be printed the following, viz: Shall the following be adopted as an amendment to the Constitution of Alabama: The Town of Montevallo, Alabama, shall have the power and the right to levy and collect a tax of one half of one per centum in any one year on property situated therein, based on the valuation of such property as assessed for state taxation for the tax year ending on the 30th day of September next succeeding the levy; provided that for the purpose of paying bonds issued and outstanding at the time of the adoption of this amendment and the interest thereon, and for the purpose of paying bonds which may be issued after the adoption of this amendment and the interest thereon, an additional tax of one half of one per centum may be levied and collected by said municipality; provided further, that a majority of the qualified voters of said municipal corporation voting at an election called for the purpose may vote a special tax not to exceed one half of one per centum in any one year for any special purpose or purposes, which tax shall be used only for the purpose or purposes for which the same was levied and collected; provided, however, that the total tax to be levied by any municipal corporation shall not exceed one and one half ($1\frac{1}{2}$) per centum in any one year. Each election held under the provisions hereof shall be ordered, held, canvassed and may be contested in the same manner as is or may be provided by the law applicable to the municipal corporation for elections to authorize the issuance of municipal bond. The ballots used at such election shall contain the words: "For.....excess rate of taxation for the year (or years).....;" and "Against....." The rate of taxation proposed in excess of the rate of one per centum to be shown in the blank space provided therefor and the year or years in which the proposed rate is to apply to be shown in the blank space provided therefor and in the event different excess rates are proposed for different years the words mentioned shall be repeated as often as may be necessary to show separately the

different excess rates proposed to be applied to the respective years. And the voter shall record his choice, whether for or against the excess rate or rates shown, by placing a cross mark before the words expressing his choice. Nothing herein contained shall in any wise change or affect the right of any holder of bonds of said municipal corporation heretofore issued. Elections to authorize the levy of such special tax may be held as often as ordered by the governing body of the municipality, but when a proposition is submitted to the electors to levy a special tax for a specified purpose, and such proposition is defeated no second election for the same purpose shall be held in one year thereafter. This amendment shall be self-executing and no act of the Legislature shall be required to put the same, or any part thereof, in force.

Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No". The choice of the elector shall be indicated by a cross mark made by him, or under his direction, opposite the word expressing his desire.

Section 4. That the officers to hold such election shall be the same, and shall be appointed in the same manner and by the same officials as provided by the election law of the State for the appointment of officers to hold general elections in this State, and the election shall be held in all things in accordance with the law governing general elections and with the constitutional provisions concerning amendments to that instrument.

Section 5. That the votes cast at said election shall be counted, canvassed and tabulated and return made to the Secretary of State in the same manner as in elections of representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid in all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by proclamation of the Governor.

Section 6. The expenses of the election herein provided for and the cost of the publication of the notices shall be paid out of the state treasury in the same manner as the expenses of the general elections are paid.

Was read a third time at length and passed.

Yeas, 78; Nays, 1.

Yeas:

Messrs.:

Mr. Speaker

Adams
Almon
Arnold
Austin
Bateman
Buffington
Bulger
Burleson
Byars
Calhoun
Carter
Castleberry
Chichester
Cook
Davis
Delony
Denson
Dominick
Glover

Goodwyn

Hall
Hamner
Hanks
Hendley
Henson
Hill
Hodges
Hollis
Johnston
Jones
Kelly
Lee (Bullock)
Lee (Monroe)
Long
Lusk
Matthews
Merrill
Miles
Miller

Moore

McDermott
McGowin
Norman (Bullock)
Norman (Lowndes)
Owen (Etowah)
Owens (Madison)
Parish (Pike)
Petrey
Poole
Posey (Walker)
Posey (Winston)
Propst
Quarles
Rayburn
Reeder
Reid
Reynolds
Robertson (Cullman)

Robinson (Lowndes)

Shaver
Shipman
Sightler
Sparks (Walker)
Staples
Steele
Street
Taylor
Terry
Tidmore
Todd
Tolbert
Toomer
Waldrep
Welch
Whigham
Williams
Wright

—78

Nay: Mr. Tompkins

— 1

On motion of Mr. Reid the bill, H. 294, was ordered sent forth-with to the Senate without engrossment.

H. 393. To provide for the payment to the Clerk and/or Sheriff of DeKalb County of all costs and fees accruing after the passage of this Act which would otherwise be payable out of the Fine and Forfeiture Fund of DeKalb County to be paid quarterly out of the General Fund of said County instead of out of the Fine and Forfeiture Fund of said County; to provide for the method, manner and time of payment of the same and make the same a preferred claim against the General Fund of said County, and to provide that nothing in this Act contained shall otherwise affect the law with reference to the Fine and Forfeiture Fund of DeKalb County.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker

Adams
Almon
Arnold
Austin
Bateman
Blann
Boswell
Braswell
Bridges

Bulger

Burleson
Byars
Calhoun
Carter
Chichester
Connor
Cook
Denson
Doster

Douglass

Glover
Goolsby
Haley
Hall
Hanks
Hare
Harrison
Henson
Hill

Hodges

Jones
Kelly
Kirby
Long
Lusk
Miles
Miller
Moore
McGowin

McPhaul	Rayburn	Shipman	Terry
Owen (Etowah)	Reeder	Sightler	Todd
Owens (Madison)	Reid	Spence	Tolbert
Petrey	Reynolds	Steele	Toomer
Poole	Robertson (Cullman)	Street	Waldrep
Propst	Sanford	Taylor	Welch
Quarles	Shaver		

—66

On motion of Mr. Tolbert the bill, H. 393, was ordered sent forthwith to the Senate without engrossment.

RESOLUTION

Mr. McDermott offered the following resolution:

By Mr. McDermott:

H. R. 48. Be it resolved that House bills 224, 225, 376, 377 and Senate bill 50 be made special and continuing orders of business for the next Legislative day.

And the resolution was referred to the Standing Committee on Rules.

BILL ON THIRD READING

H. 132. To amend Section 142 of Article V of an Act entitled, "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

Was taken up. The question was on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

Amend House bill 132, so that the same shall read as follows:

A BILL

To be entitled An Act to amend Section 142 of Article V of an Act entitled, "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 142 of Article V of an Act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935, be amended so as to read as follows:

"Section 142. In addition to all other taxes of every kind now imposed by law or otherwise imposed by this Act, there is hereby levied a license or privilege tax upon each person, firm, corporation, agent or officer, engaged in the business of manufacturing and/or selling hydro-electric power in the State of Alabama for the privilege of engaging in such business or businesses; said li-

cense or privilege tax shall be due and payable in advance on the first day of October of each year, and shall be in a sum equal to two-fifths of a mill ($2/5$) upon each kilowatt hour of hydro-electric power manufactured and/or sold in the State of Alabama during the preceding year."

Mr. Poole offered the following substitute for the committee substitute:

Poole substitute for committee substitute for House bill 132:

A BILL

To be entitled An Act to amend Section 142 of Article V of an Act entitled "An Act to Provide for the General Revenue of the State of Alabama", approved July 10, 1935.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 142 of Article V of an Act entitled "An Act to Provide for the General Revenue of the State of Alabama", approved July 10, 1935, be amended so as to read as follows:

SECTION 142 (a). In addition to all other taxes of every kind now imposed by law or other wise imposed by this Act, there is hereby levied a license or privilege tax upon each person, firm, corporation, agent or officer, engaged in the business of manufacturing and selling hydro-electric power in the State of Alabama for the privilege of engaging in such business; said license or privilege tax shall be due and payable in advance on the first day of October of each year, and shall be in a sum equal to Two-fifths of a Mill ($2/5$) upon each kilowatt hour of hydro-electric power manufactured and sold during the preceding calendar year. The provisions of this act shall apply to all corporations created by or under any act of the Congress of the United States, or under or by virtue of the authority of any agency, rule or regulation of the United States, by whatsoever name called, and to all persons and parties acting under such authority who shall engage in the business of manufacturing, selling or distributing hydro-electric energy or power in the State of Alabama. All such corporations, persons and parties shall make all such assessments, returns and reports within the time and in the manner and form as are now or may hereafter be required by the laws of this state of corporations, persons and parties engaged in like or similar businesses in this state.

SECTION 142 (b). All laws and parts of laws in conflict herewith be, and the same are, hereby repealed.

On motion of Mr. Taylor the bill, H. 132, and pending substitutes were indefinitely postponed.

Yeas, 49; Nays, 37.

Yeas:

Messrs.:

Adams	Hamner	Matthews	Sanderson
Arnold	Hanks	McDermott	Shaver
Austin	Hare	McGowin	Sightler
Bateman	Hill	Norman (Bullock)	Sparks (Barbour)
Calhoun	Johnston	Parish (Henry)	Sparks (Walker)
Carter	Jones	Poole	Staples
Castleberry	Kelly	Posey (Walker)	Street
Chichester	Kirby	Posey (Winston)	Taylor
Cook	Lee (Bullock)	Quarles	Toomer
Denson	Lee (Monroe)	Reeder	Waldrep
Dominick	Long	Robertson (Cullman)	Welch
Goodwyn	Lusk	Robinson (Lowndes)	Williams
Hall			

—49

Nays:

Messrs.:

Mr. Speaker	Delony	Miles	Shipman
Almon	Glover	Miller	Steele
Blann	Goolsby	McPhaul	Terry
Boswell	Harrison	Owen (Etowah)	Tidmore
Braswell	Hendley	Owens (Madison)	Todd
Bridges	Henson	Petrey	Tolbert
Buffington	Hodges	Rayburn	Tompkins
Bulger	Hollis	Reid	Whigham
Burleson	Langdon	Reynolds	Wright
Byars			

—37

PAIR ANNOUNCED

Mr. Davis announced a pair with Mr. Parish (Pike). If Mr. Parish (Pike) were present he would vote Nay and Mr. Davis would vote Yea.

Mr. Poole moved to reconsider the vote by which the bill, H. 132, was indefinitely postponed and then moved to table the motion to reconsider and the motion to table the motion to reconsider was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following resolution:
By the Rules Committee:

S. J. R. 47. BE IT RESOLVED BY THE SENATE, the House concurring, that when the two Houses adjourn today, they adjourn to meet again, Friday, April 10, 1936, at 10 A.M.

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Harrison the rules were suspended and the resolution, S. J. R. 47, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker :

The Senate has concurred in and adopted the Report of the Committee of Conference on the disagreement of the two Houses on the Senate amendment to the bill :

H. 123. To amend an act entitled "An Act to amend Sections II, III, V, and VI of an Act entitled 'An Act to define, regulate and license barbers and barber colleges, and other like businesses in counties of the State of Alabama having a population of three hundred thousand or over, according to the last or any subsequent Federal Census ; to create a barbers' Commission for said Counties ; and to provide a penalty for the violation of the provisions hereof,' which became a law July 24, 1931, under Section 125 of the Constitution," approved September 9th, 1935.

And said bill, H. B. 123, as thus amended by the Conference Report, was again read a third time at length and passed by the Senate.

And returns same herewith to the House.

J. E. Speight,
Secretary.

RESOLUTIONS

Mr. Calhoun offered the following resolution :

By Mr. Calhoun :

H. R. 49. Be it resolved that House bills Nos. 336, 337, 363 and 364 be made special paramount and continuing orders for the House for the next Legislative day.

The resolution was referred to the Standing Committee on Rules.

Mr. Miller offered the following resolution :

By Mr. Miller :

H. R. 50. Resolved that H. 305 be made a special, paramount and continuing order for the 22nd Legislative day.

The resolution was referred to the Standing Committee on Rules.

REPORT OF COMMITTEE OF CONFERENCE

To the President of the Senate:

To the Speaker of the House of Representatives:

We, your Committee of Conference, appointed on the disagreement of the two houses on the House amendment to Senate Bill No. 103, beg to advise that we recommend that the House recede from its amendment to the Bill and that the House pass the Bill as it was passed by the Senate.

D. W. WALDEN,
J. A. SIMPSON,
HAYSE TUCKER,

Committee on part of the Senate.

A. P. WILLIAMS,
W. P. CALHOUN,
E. C. BOSWELL,

Committee on part of the House of Representatives.

CONFERENCE REPORT

On motion of Mr. Calhoun the House concurred in and adopted the report of the Committee of Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 103. To authorize the Board of Revenue of Houston County, Alabama, to levy and collect a privilege tax on all persons, corporations, copartnerships, companies, agencies, associations and refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naptha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil" "fuel oil" or "crude oil" commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; to authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; to make provisions for the distribution of the funds derived from said privilege tax; to prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis; to repeal the municipal privilege, excise and or license taxes on gasoline, Woco-pep, or any other motor fuel, used by self propelled vehicles which may now be collected or levied by any incorporated city or town in said county; to provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; to repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Cook	Long	Reynolds
Adams	Denson	Lusk	Robertson (Cullman)
Almon	Doster	Miles	Sanford
Arnold	Douglass	Miller	Shaver
Austin	Glover	Moore	Shipman
Bateman	Goolsby	McGowin	Sightler
Blann	Haley	McPhaul	Spence
Boswell	Hall	Owen (Etowah)	Steele
Braswell	Hanks	Owens (Madison)	Street
Bridges	Hare	Petrey	Taylor
Bulger	Harrison	Poole	Terry
Burleson	Henson	Propst	Todd
Byars	Hill	Quarles	Tolbert
Calhoun	Hodges	Rayburn	Toomer
Carter	Jones	Reeder	Waldrep
Chichester	Kelly	Reid	Welch
Connor	Kirby		

—66

And the bill, S. 103, as thus amended by the report of the Committee of Conference, was again read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Cook	Long	Reynolds
Adams	Denson	Lusk	Robertson (Cullman)
Almon	Doster	Miles	Sanford
Arnold	Douglass	Miller	Shaver
Austin	Glover	Moore	Shipman
Bateman	Goolsby	McGowin	Sightler
Blann	Haley	McPhaul	Spence
Boswell	Hall	Owen (Etowah)	Steele
Braswell	Hanks	Owens (Madison)	Street
Bridges	Hare	Petrey	Taylor
Bulger	Harrison	Poole	Terry
Burleson	Henson	Propst	Todd
Byars	Hill	Quarles	Tolbert
Calhoun	Hodges	Rayburn	Toomer
Carter	Jones	Reeder	Waldrep
Chichester	Kelly	Reid	Welch
Connor	Kirby		

—66

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 12:10 o'clock P.M., April 7, 1936:
H. 103, H. 178, H. 222, H. 340, H. 342, H. 343.

E. F. Taylor,
Clerk.

ADJOURNMENT

On motion of Mr. Lee (Monroe) the House adjourned until Friday, April 10, 1936, at 10 o'clock A.M.

TWENTY-FIRST DAY

House of Representatives,
Montgomery, Alabama,
April 10, 1936.

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. John W. Inzer, Pastor, First Baptist Church, Montgomery, Ala.

ROLL CALL

On a call of the roll of the House the following members answered to their names:

Messrs.:			
Mr. Speaker	Castleberry	Hanks	Matthews
Adams	Chichester	Hare	Merrill
Almon	Connor	Harrison	Miles
Arnold	Cook	Hendley	Miller
Austin	Cox	Henson	Moore
Bateman	Davis	Hill	McDermott
Blann	Delony	Hodges	McGowin
Boswell	Denson	Hollis	McPhaul
Braswell	Dominick	Johnston	Norman (Bullock)
Bridges	Doster	Jones	Norman (Lowndes)
Britton	Douglass	Langdon	Owen (Etowah)
Buffington	Glover	Lee (Bullock)	Owens (Madison)
Bulger	Goodwyn	Lee (Monroe)	Parish (Henry)
Byars	Goolsby	Livingston	Parish (Pike)
Calhoun	Haley	Long	Petrey
Carter	Hamner	Lusk	Poole

Posey (Walker)	Robinson (Lowndes)	Spence	Tolbert
Propst	Sanderson	Staples	Tompkins
Quarles	Sanford	Steele	Toomer
Rayburn	Shaver	Street	Waldrep
Reeder	Shipman	Taylor	Welch
Reid	Sightler	Terry	Whigham
Reynolds	Sparks (Barbour)	Tidmore	Williams
Robertson (Cullman)	Sparks (Walker)	Todd	Wright

A quorum was present.

REPORT OF STANDING COMMITTEE ON REVISION OF JOURNAL

Mr. Speaker:

Your Standing Committee on the Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the House for the Twentieth Legislative Day and finds same correct.

R. L. Tolbert,
Vice-Chairman,

The report of the Standing Committee on the Revision of the Journal was adopted and the Journal of the House for the Twentieth Legislative Day was approved.

INTRODUCTION OF BILLS

On a call of counties bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Mr. Livingston:

H. 434. To create the Cherokee County Centennial Commission, to prescribe its powers and duties, and to make an appropriation for the appropriate celebration under the direction of the commission, of the one hundredth anniversary of the creation of Cherokee County in Alabama.

Local Legislation No. One.

By Mr. Hill (with notice and proof):

H. 435. To provide for the election of three school trustees for each school in Marion County, Alabama, and to prescribe their authority and duties.

Local Legislation No. One.

Notice and proof H. 435:

Notice is hereby given that application will be made to the present extraordinary session of the Legislature for the passage of a local law in substance as follows:

A BILL TO BE ENTITLED AN ACT

To provide for the election of three trustees for each school in Marion County, Alabama, and to prescribe their authority and duties.

Be It Enacted By The Legislature of Alabama:

Section 1. That on the first Saturday in April, 1936, and on the first Saturday in March every two years thereafter, three School Trustees shall be elected by the patrons of each school in Marion County, Alabama. The County Superintendent of Education shall appoint three managers to hold the election at each school, who shall conduct the election in accordance with regulations prepared by the County Superintendent of Education, and by the County Board of Education. The result of said election shall be reported to the County Superintendent of Education on certificate signed by the managers of said election; provided, however, that this Act shall not apply to cities or towns in said County having city or town Boards of Education.

Section 2. That the Trustees elected under provisions of this Act, except as otherwise provided by law, shall have charge of the school buildings and grounds and shall advise with and cooperate with the County Board of Education in all matters relating to the general welfare of the school. The trustees so elected shall have the right, by unanimous vote, within fifteen days after the date of the Superintendent's notice of assignment, refuse to accept the assignment of any teacher upon written notification to the County Superintendent of Education setting out the reason or reasons for each refusal. The Trustees so elected under this Act shall take office on Tuesday following the election.

Section 3. That whenever a vacancy occurs on the Board of School Trustees elected under the provisions of this Act, the same may be filled by the County Board of Education. The County Board of Education may remove any School Trustee elected under the provisions of this Act for misconduct or willful neglect of duties.

Section 4. That all laws, or parts of laws, in conflict with the provisions of this Act, insofar as they relate to Marion County, Alabama, be and the same are hereby repealed.

Section 5. The Trustees so elected shall be residents of the community served by the school, and shall be qualified voters of Marion County, Alabama.

Section 6. Said Trustees shall serve without pay, and the managers holding the elections provided for in this Act shall also serve without pay.

Section 7. This Act shall become effective on its approval.

This, March 10, 1936.

R. L. HILL,

Representative from Marion County.

Before me, Ivan Hill, a Notary Public in and for said County and State, personally appeared W. H. Murray, who being first duly sworn, deposes and says, that he is the publisher of The Winfield Journal, a weekly newspaper published in the Town of Winfield, in the State and County aforesaid, and that the advertisement, a true copy of which is hereto annexed, was printed in said newspaper for four consecutive weeks prior to the 3rd day of April, 1936, the first publication being on March 12, 1936, and the last publication being on April 2, 1936.

That there was no agreement between publisher and officer, and that the actual cost of said advertisement is \$20.56, which is paid.

W. H. Murray,

Sworn to and subscribed before me this 3rd day of April, 1936.

(Seal)

Ivan Hill,
Notary Public.

By Mr. McDermott:

H. 436. To authorize any County in the State of Alabama, subject to the limitations herein stated, to acquire by purchase, gift or the exercise of the power of eminent domain or to construct bridges, including causeways, approaches and other appropriate appurtenances over any stream, body of water in this state or from a point within the boundaries of this State to a point in an adjacent State, or between the mainland of this State and any island in this or an adjacent State and to maintain and operate such bridges, including causeways, approaches and other appurtenances, and to collect tolls, fees and charges for the use thereof, to authorize the issuance of bridge revenue bonds payable from the revenues derived from the operation of such bridges, including causeways, approaches and other appropriate appurtenances for the purpose of defraying the cost of the acquisition of such bridges, causeways, approaches and other appropriate appurtenances, providing for the payment of such bonds and rights and remedies of the holders thereof and for the conditions and other provisions under which such bonds may be issued, and to authorize the fixing and collection of rates, fees, rents, tolls and other charges for the services rendered by such bridges, causeways, approaches and other appropriate appurtenances, declaring the public use of such bridges, including causeways, approaches and other appropriate appurtenances to be a paramount and superior public use, providing for the freeing of such bridges, making such bridges exempt from the operation of Act. No. 219, general laws of Alabama, approved July 10, 1935, and Act No. 366, general laws of Alabama, approved September 7, 1935, and authorizing the acquiring of property in connection with any such bridges, including causeways, approaches or other appropriate appurtenances by purchase or eminent domain.

Judiciary.

By Mr. Bulger (with notice and proof):

H. 437. To amend Section 2 of an Act entitled "An Act To Create And Establish The Office Of County Treasurer Of Tallapoosa County, To Provide For His Election, Fix The Term Of Office, To Prescribe His Duties and Fix His Compensation," approved June 3, 1935.

Local Legislation No. One.

Notice and proof H. 437:

NOTICE OF LOCAL BILL

Notice is hereby given that a bill will be introduced in the Legislature at its Special Session which began on February 11, 1936, the substance of which will be as follows:

Be it enacted by the Legislature of Alabama

A BILL TO BE ENTITLED AN ACT

To amend Section 2 of An Act entitled "An Act To Create And Establish The Office Of County Treasurer Of Tallapoosa County, To Provide For His Election, Fix The Term Of Office, To Prescribe His Duties And Fix His Compensation," approved June 3, 1935.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That Section 2 of An Act entitled "An Act To Create And Establish The Office Of County Treasurer Of Tallapoosa County, To Provide For His Election, Fix The Term Of Office, To Prescribe His Duties And Fix His Compensation," approved June 3, 1935, be and the same is hereby amended to read as follows: Section 2. The County Treasurer hereby created shall be elected by the qualified voters of said County at the general election held in November, 1936, and each four years thereafter, such County Treasurer shall take office on the first Monday after the second Tuesday in January, 1937, and each four years thereafter respectively, and shall serve until his successor is elected and qualified. The term of such office shall be four years.

Section 2. All laws and parts of laws in conflict with this Act are hereby repealed.

MIKE J. BULGER.

STATE OF ALABAMA, }
Tallapoosa County }

Before me, Clyde Freeman, Register of the Circuit Court of Tallapoosa County, Alabama, personally appeared Thos. S. Bugg, known to me to be the editor and publisher of The Dadeville Record, published at Dadeville, Alabama, in said County, who first being duly sworn by me deposes and says upon oath that the attached notice of a local bill was published in said newspaper for four consecutive weeks, to-wit: March 5, 1936; March 12, 1936; March 19, 1936; March 26, 1936.

Thos. S. Bugg,
Editor and Publisher.

Sworn to and subscribed before me, this the 6th day of March, 1936.

Clyde Freeman,
Register Tallapoosa County, Ala.

By Mr. Dominick:

H. 438. To amend Section 2 of Act No. 546 of the Legislature of 1935, entitled "An Act to create a Board to be known as 'State Board of Adjustment'; to name its personnel, to define its duties and powers and to authorize said Board to certify its findings to the Comptroller for the payment of its awards, decrees and findings out of the fund herein provided for; to provide the basis of awards and decrees and to make appropriation therefor."

Judiciary.

BILLS ON SECOND READING

Mr. Welch, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. Denson:

H. 416. To amend Section 1 of an Act entitled "An Act to authorize any person or owner of property to convey or devise any of his real estate or personal property to another in trust to receive and pay the profits and or income not to exceed Eighteen Hundred (\$1800.00) Dollars annually for the support and maintenance of any child, grandchild, or other relation by blood or marriage, with remainder as the grantor shall provide, during a period of time not exceeding the limits fixed by law as to perpetuities; and the property so conveyed or devised and the income or profits therefrom shall not be liable for or subject to be seized or taken in any manner, for the debts of such child, grandchild, or other relation, whether the same be contracted or incurred before or after the grant", approved August 8, 1935.

By Mr. Stephens:

S. 125. To amend an Act approved September 14, 1935, entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefit; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system and for other purposes;" to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act. This Act being approved September 14, 1935.

Mr. Glover, Chairman of the Standing Committee on Local Legislation No. One, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. Goodwyn:

H. 431. To fix the compensation or salaries to be paid the tax collectors and tax assessors in all counties in this State which now have or which may hereafter have a population of seventy-five thousand people and less than one hundred thousand people according to the last Federal Census or any such census which may hereafter be taken, where such officers are constitutionally paid upon a salary basis, and to regulate the payment of same, to provide for the selection of clerical help and other assistance to said officers and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such officers; and to require all of said officers to pay into the county treasury of said counties all costs, charges of courts, fees and commissions authorized by law to be collected by said officers as other monies belonging to said counties are paid, except any salary, fees or commissions paid said officers for collecting taxes for any municipality.

By Mr. Hill (with notice and proof):

H. 423. To require the County Governing Body of Marion County, Alabama, to allow and order paid the cost of publication of notice of intention to apply for local legislation pertaining to or applicable to said county.

Mr. Walker, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following Senate joint resolution and ordered same returned to the House with a favorable report with amendment:

By Mr. Walton (with amendment):

S. J. R. 16. Relative to establishing the Alabama Commission on Interstate Cooperation.

Mr. Street, Chairman of the Standing Committee on Public Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Kelly:

S. 158. To amend Section 1153 of the Code of Alabama of 1923, relating to public health.

Mr. Calhoun, Chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. McGowin:

H. 405. To amend subsections 2 and 16 of Section 6755 of the Code of Alabama of 1923, and to validate payments heretofore made in accordance with the provisions thereof.

Mr. Robertson (Cullman), Chairman of the Standing Committee on Municipal Organizations, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Spence :

H. 362. To amend Section 1744 of the 1923 Code of Alabama.

The above and foregoing bills were severally read a second time and placed on the Calendar.

REPORT OF STANDING COMMITTEE ON RULES

Mr. Walker, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following House resolutions and ordered same returned to the House with a favorable report:

H. R. 36—By Jones—Making House bills 327, 329, 330 and 331 Special order.

H. R. 43—By Lee (Monroe)—Making H. B. 314 Special Order.

H. R. 42.—By Welch—Making H. 306 and S. 124 Special Orders.

H. R. 35—By Hendley—Making S. 122 Special Order.

H. R. 46—By Hill—Making House bills 244 and 243 and Senate bills 90 and 91 Special Orders.

H. R. 37—By Denson—Making S. 65, S. 76, H. 345, H. 346 and H. 347 Special Orders.

H. R. 39—By Denson—Making Senate bills 110 and 111 Special Orders.

H. R. 48—By McDermott—Making House bills 224, 225, 376, 377 and S. 50 Special Orders.

H. R. 49—By Calhoun—Making House bill 336 and 337 Special Orders.

H. R. 47—By Poole—Making H. 313 Special Order.

H. R. 40—By Taylor—Making S. 51 Special Order.

The above and foregoing resolutions were adopted.

MESSAGE FROM THE SENATE

Mr. Speaker :

The President and Presiding Officer of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 148. To ratify and approve the payment of \$171.71 that was made by the Treasurer of Elmore County, Alabama to the Southern Bell Telephone and Telegraph Company, Incorporated, upon warrants drawn on claims that were approved by the Court of County Commissioners of said County for a telephone for the of-

office of the County or Deputy Solicitor of said County during the time between the date of January 15, 1928 and January 15, 1934, both inclusive. Said sum of \$171.71 having been paid as aforesaid under and by virtue of an Act of the Legislature of Alabama, entitled "An Act to amend an Act "To authorize the Court of County Commissioners, the Board of Revenue and Road Commissioners, or like body, in each County in the State to provide telephones for the office of clerks and registers of the circuit courts, the office of the sheriff, the office of the jailer, and the judge of probate of their respective counties," approved September 25, 1919", General Acts of Alabama of 1927, page 218, which said Act having heretofore been declared invalid by the Attorney General of Alabama, as to the payment of said sum.

S. 150. For the relief of W. E. Butler, Probate Judge of Madison County, Alabama.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing Message from the Senate.

REPORT OF STANDING COMMITTEE ON ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed Bills begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 308. A Bill To Be Entitled An Act, To provide for and submit to the qualified electors of the State of Alabama at an election to be held at the next General Election after the final adjournment of the present session of the Legislature at which this amendment is proposed, An Amendment to the Constitution of Alabama whereby the following school districts: Andalusia, Attalla, Demopolis, Eufaula, Talladega, Munford, Lincoln, Winterboro and Laniers, Enterprise, Opp, Sylcauga, Abbeville, Newville and Headland and Hartselle, as now or hereafter constituted, in the State of Alabama may levy and collect a Special District Tax not exceeding 30 cents on each one hundred dollars worth of taxable property in such district, in addition to that now authorized or that may hereafter be authorized, for public school purposes, and in addition to that now

authorized under Section 260 of Article XIV and Section 2 of Article XIX of the Constitution, provided that the rate of such tax, the period it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of such School District and voted for by a majority of those voting at such election; provided further that the said district tax shall not be voted or collected in said districts unless and until the County in which said School District is located is levying and collecting not less than a 3-mill County-wide Special School tax.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of the State of Alabama for their consideration and actions at an election to be held at the next General Election after the final adjournment of the present session of the Legislature at which this amendment is proposed, to-wit: That the following school districts as defined in Section 2 of Article XIX of the Constitution: Andalusia, Attalla, Demopolis, Eufaula, Talladega, Munford, Lincoln, Winterborro and Laniers, Enterprise, Opp, Sylcauga, Abbeville, Newville and Headland and Hartselle, as now or hereafter constituted in the State of Alabama shall have the power and the right to levy and collect a Special District Tax not exceeding 30 cents on each one hundred dollars worth of taxable property in such district, in addition to that now authorized or that may hereafter be authorized for public school purposes; and in addition to that now authorized under Section 2 of Article XIX of the Constitution and Section 260, Article XIV of the Constitution, provided that the rate of such tax, the period it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of such School District and voted for by a majority of those voting in such election; provided further that the said District Tax shall not be voted or collected in said Districts unless and until the County in which said school district is located is levying and collecting not less than a 3-Mill County-wide School Tax for the period for which the district levy is proposed.

Upon the request of the City Board of Education or such governing Board of Education as is exercising the duties of the City Board of Education of the cities of Andalusia, Attalla, Demopolis, Eufaula, Talladega, Munford, Lincoln, Winterborro and Laniers, Enterprise, Opp, Sylcauga, Abbeville, Newville and Headland and Hartselle, respectively, to the Court of County Commissioners or other governing body of the county in which said city is located, said Court shall order an election to be held at the time requested by said Board of Education to determine whether or not said special tax shall be levied for public school purposes within said School Districts; said election to be held and returns made and result de-

clared as provided in Article XIII of the School Code of 1927, or other method provided by general law for holding elections for levying school district taxes.

This Amendment shall be self executing and no Act of the Legislature shall be required to put the same in force.

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in the State at least four consecutive weeks next preceding the said election on the Amendment proposed by this Act to be submitted to the qualified electors of the State for their consideration, together with the proposed Amendment.

Section 3. That at the said election on the Amendment proposed by this Act to be submitted to the qualified electors of the State for their consideration, to be held as herein provided for, the qualified electors shall vote upon said Amendment and on the official ballots printed for such election there shall be printed the following, viz., "Shall the following be adopted as an Amendment to the Constitution of Alabama: The following School Districts as defined in Section 2, Article XIX of the Constitution: Andalusia, Attalla, Demopolis, Eufaula, Talladega, Munford, Lincoln, Winterborro and Laniers, Enterprise, Opp, Sylacauga, Abbeville, Newville and Headland and Hartselle as now or hereafter constituted in the State of Alabama shall have the power and right to levy and collect annually a Special District Tax not exceeding 30 cents on each one hundred dollars worth of taxable property in such district, in addition to that now authorized or that may hereafter be authorized, for public school purposes; and in addition to that now authorized under Section 2 of Article XIX of the Constitution and Section 260, Article XIV of the Constitution, provided that the rate of such tax, the period it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of such School District and voted for by a majority of those voting in such election; provided further that the said District tax shall not be voted or collected in said Districts unless and until the County in which said school district is located is levying and collecting not less than a 3-Mill County-wide School Tax for the period for which the district levy is proposed.

Upon the request of the City Board of Education or such governing Board of Education as is exercising the duties of the City Board of Education of the cities of Andalusia, Attalla, Demopolis, Eufaula, Talladega, Munford, Lincoln, Winterborro and Laniers, Enterprise, Opp, Sylacauga, Abbeville, Newville and Headland and Hartselle, respectively, to the Court of County Commissioners or other governing body of the county in which said city is located, said Court shall order an election to be held at the time requested by said Board of Education to determine whether or not said spe-

cial tax shall be levied for public school purposes within said School District; said election to be held and returns made and result declared as provided in Article XIII of the School Code of 1927, or other method provided by general law for holding elections for levying school district taxes.

This Amendment shall be self executing and no Act of the Legislature shall be required to put the same in force.

-----Yes

-----No."

Section 4. That the officers who hold such election shall be the same and shall be appointed in the same manner and by the same officials as provided by the general election laws of the State of Alabama for the appointment of officers and the holding of general elections in this State, and the election shall be held under and in all things governed by and had in accordance with the Constitutional provisions touching amendments to the Constitution of the State of Alabama.

Section 5. That the votes cast at said election shall be counted, canvassed, and tabulated and return made to the Secretary of State in the same manner as in elections of representatives to the Legislature; and if it thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment, voted in favor of the same, such amendment shall become a part of the Constitution of Alabama, and shall be in all its intents and purposes valid as such part of the Constitution.

Section 6. The result of such election shall be made known by proclamation of the Governor.

Section 7. The expenses of the election herein provided for and the costs of the publication of the notices, shall be paid out of the State Treasury in the same manner that the expenses of general elections are paid.

The report of the Standing Committee on Engrossed Bills was concurred in and adopted.

B. H. Mathews,
Vice-Chairman.

REPORT OF STANDING COMMITTEE ON ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Enrolled Bills reports that it has examined the following House bills, and finds same correctly enrolled, to-wit:

H. 123. To amend an act entitled "An Act to amend Sections II, III, V, and VI of an Act entitled 'An Act to define, regulate

and license barbers and barber colleges, and other like businesses in counties of the State of Alabama having a population of three hundred thousand or over, according to the last or any subsequent Federal Census; to create a barbers' Commission for said Counties; and to provide a penalty for the violation of the provisions hereof, which became a law July 24, 1931, under Section 125 of the Constitution," approved September 9th, 1935.

Also:

H. 186. To validate and make a lawful debt of Mobile County, \$6,385.00 in warrants heretofore issued by said county to the Mobile County Department of Public Welfare, and to require the registration and payment thereof out of the consolidated treasury of Mobile County. To repeal all laws in conflict herewith and to fix the time when this act shall become effective.

Dan Gullett, Cook,
Chairman.

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

RESOLUTION

Mr. McPhaul offered the following resolution:

By Mr. McPhaul:

H. R. 51. Resolved that House bill 370 be made a paramount and continuing order of business for the twenty-second legislative day.

And the resolution was referred to the Standing Committee on Rules.

RESOLUTIONS

The following resolutions were offered:

By Mr. Street:

H. R. 52. Be it Resolved by the House of Representatives that House bill No. 128, to make an appropriation for the support, maintenance and improvement of the Southern Industrial Institute be made a special paramount and continuing order for the next Legislative Day.

By Mr. Owens (Madison):

H. R. 53. Be it resolved that H. 35, be made a paramount and continuing order for the next Legislative day.

By Mr. Staples:

H. R. 54. Resolved that House bill No. 360 by Mr. Staples, (a bill to provide for the conversion or exchange of coupon bonds into registered bonds of the same series, etc.) be made a special and continuing order of business for the next Legislative day.

By Mr. Hanks:

H. R. 55. Be It Resolved by the House of Representatives that when the House adjourns today it adjourn to meet again Monday, April 13, 1936, at 11 o'clock as a Committee of the whole for the purpose of drafting such measures as will lower excessive governmental costs, and for the further purpose of devising legislation to legalize, license and tax every public business and industry now engaged in business and not otherwise taxed.

By Mr. Goodwyn:

H. R. 56. Be it Resolved by the House of Representatives that House bill No. 373 by Mr. DeVane be made a special paramount and continuing order for the next Legislative day.

By Mr. Haley:

H. R. 57. Be it resolved by the House of Representatives that House Bill No. 430 shall be made a special, paramount, and continuing order of business for the next Legislative day.

The resolutions, H. R. 52, H. R. 53, H. R. 54, H. R. 55, H. R. 56 and H. R. 57, were referred to the Standing Committee on Rules.

BILLS ON THIRD READING

H. 271. To amend an act entitled, "An Act to Regulate Further the Financing of Public Improvements, to Permit the Reduction or Abatement of Assessments Therefor in Certain Cases, to Provide for the Refunding of Bonds Issued Therefor and to Validate Proceedings Heretofore Taken Relating Thereto in Cities Having a Population of as Many as Fifty Thousand and Less Than One Hundred Thousand People According to the Last Federal Census or any Such Census which may Hereafter be Taken," approved September 2, 1935, so as to make the provisions of said Act apply to cities having a population of twenty four thousand and less than one hundred thousand people according to the last Federal census or any such census which may hereafter be taken.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 62; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Doster	Norman (Lowndes)	Shipman
Austin	Glover	Owen (Etowah)	Sightler
Bateman	Goodwyn	Owens (Madison)	Sparks (Walker)
Braswell	Hamner	Parish (Henry)	Spence
Bridges	Hanks	Petrey	Steele
Bulger	Hendley	Poole	Street
Byars	Henson	Posey (Walker)	Taylor
Calhoun	Hill	Propst	Tidmore
Carter	Hollis	Quarles	Todd
Castleberry	Johnston	Rayburn	Tolbert
Chichester	Jones	Reeder	Tompkins
Connor	Langdon	Reid	Welch
Cox	Livingston	Reynolds	Whigham
Davis	Lusk	Sanford	Williams
Delony	Matthews	Shaver	Wright
Dominick	Moore		

—62

On motion of Mr. Lusk, the bill, H. 271, was ordered sent forthwith to the Senate without engrossment.

S. 168. To fix the salary and prescribe the duties of the Solicitor of the Law and Equity Court of Franklin County, Alabama.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Denson	Miles	Shaver
Adams	Doster	Moore	Shipman
Almon	Douglass	McDermott	Sightler
Arnold	Glover	McGowin	Spence
Austin	Goolsby	McPhaul	Staples
Blann	Haley	Norman (Lowndes)	Steele
Bridges	Hamner	Owens (Madison)	Street
Britton	Hanks	Parish (Pike)	Taylor
Bulger	Hare	Petrey	Terry
Byars	Hendley	Poole	Todd
Calhoun	Henson	Propst	Tolbert
Carter	Hill	Quarles	Toomer
Connor	Hodges	Reeder	Waldrep
Cook	Jones	Reid	Welch
Cox	Langdon	Reynolds	Williams
Davis	Long	Sanderson	Wright
Delony	Lusk		

—66

S. 124. To amend Section 31 of an Act entitled "An Act to authorize any county, city or incorporated town of the State of Alabama, subject to the limitations herein stated, to purchase or construct a waterworks system, water supply system, sewer sys-

tem, sanitary disposal equipment and appliances, or gas system, and in furtherance thereof to purchase or construct any necessary part of any such system either within or without the limits of such county, city or incorporated town, as the case may be; and to authorize any county, city or incorporated town of the State of Alabama now or hereafter owning and operating any such system to improve, enlarge, extend or repair the same; and for any such purpose or purposes to authorize any such county, city or incorporated town to issue revenue bonds payable solely from the revenues derived from the operation of any such system or systems; to regulate the issuance, sale, retirement, and refunding of such bonds and of other matters in connection therewith; to regulate the use of the revenues of such system or systems when such bonds are issued or outstanding; to provide for the operation of any such system or systems in case of deficiencies in such revenues; to confer upon the State Board of Health certain powers with reference to any such sewer system; and for other purposes", approved March 29, 1933, as amended, so as to permit the redemption of bonds with or without a premium, and so as to delete a portion of said section.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 63; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker

Adams

Arnold

Austin

Bateman

Bridges

Bulger

Byars

Carter

Castleberry

Chichester

Connor

Cox

Delony

Denson

Dominick

Doster

Douglass

Glover

Goodwyn

Goolsby

Haley

Hare

Henson

Hill

Hodges

Hollis

Johnston

Jones

Lee (Monroe)

Long

Matthews

Merrill

Miles

Norman (Bullock)

Norman (Lowndes)

Owen (Etowah)

Owens (Madison)

Parish (Pike)

Posey (Walker)

Quarles

Rayburn

Reeder

Reid

Reynolds

Robinson (Lowndes)

Sanford

Shaver

Shipman

Sightler

Sparks (Walker)

Spence

Staples

Steele

Street

Taylor

Tidmore

Todd

Tompkins

Welch

Whigham

Williams

Wright

—63

BILL INDEFINITELY POSTPONED

On motion of Mr. Welch H. 306 was indefinitely postponed.

BILLS ON THIRD READING

H. 415. To amend an Act entitled an Act "To regulate and control the purchase of goods and supplies for Madison County

by the Board of County Commissioners, or other like governing body of Madison County," passed by the Legislature at its 1936 special session.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Denson	Miles	Shaver
Adams	Doster	Moore	Shipman
Almon	Douglass	McDermott	Sightler
Arnold	Glover	McGowin	Spence
Austin	Goolsby	McPhaul	Staples
Blann	Haley	Norman (Lowndes)	Steele
Bridges	Hamner	Owens (Madison)	Street
Britton	Hanks	Parish (Pike)	Taylor
Bulger	Hare	Petrey	Terry
Byars	Hendley	Poole	Todd
Calhoun	Henson	Propst	Tolbert
Carter	Hill	Quarles	Toomer
Connor	Hodges	Reeder	Waldrep
Cook	Jones	Reid	Welch
Cox	Langdon	Reynolds	Williams
Davis	Long	Sanderson	Wright
Delony	Lusk		

—66

On motion of Mr. Shaver, the bill, H. 415, was ordered sent forthwith to the Senate without engrossment.

H. 365. To provide that in all counties in the State of Alabama, now or hereafter having more than one hundred and ten thousand population, and less than three hundred thousand population according to the last, or any Federal census, that the Board of Revenue and Road Commissioners of such counties, or whatever may be called, furnish all necessary expenses to the office of Tax Assessor and Tax Collector, which shall include, to be certified by the Tax Collector or Tax Assessor of such counties, or requisition by him. And to provide that the same be paid out of the County Treasury of such county by a warrant to be drawn by the Board of Revenue and Road Commission of such county.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Britton	Cox	Goolsby
Adams	Bulger	Davis	Haley
Almon	Byars	Delony	Hamner
Arnold	Calhoun	Denson	Hanks
Austin	Carter	Doster	Hare
Blann	Connor	Douglass	Hendley
Bridges	Cook	Glover	Henson

Hill	McPhaul	Reynolds	Taylor
Hodges	Norman (Lowndes)	Sanderson	Terry
Jones	Owens (Madison)	Shaver	Todd
Langdon	Parish (Pike)	Shipman	Tolbert
Long	Petrey	Sightler	Toomer
Lusk	Poole	Spence	Waldrep
Miles	Propst	Staples	Welch
Moore	Quarles	Steele	Williams
McDermott	Reeder	Street	Wright
McGowin	Reid		

—66

On motion of Mr. Taylor, the bill, H. 365, was ordered sent forthwith to the Senate without engrossment.

H. 358. To provide that in all cities now or hereafter having a population of not less than 68,000 or more than 100,000, according to the last or any subsequent Federal census, that any license excise tax, sales tax, permit tax, or other revenue collected hereafter from the sale, disposition, possession, or manufacture of alcoholic beverages, shall be applied by the governing body of such city by whatever name called, to an increase in pay to policemen and firemen employed by said city in the same proportion of their present wage scale.

Was taken up.

Mr. Taylor offered the following substitute for the bill, H. 358: Taylor substitute for H. 358:

A BILL

To be entitled An Act to provide that in all cities now or hereafter having a population of not less than 68,000 or more than 100,000, according to the last or any subsequent Federal census, that any license excise tax, sales tax, permit tax, or other revenue collected hereafter from the sale, disposition, possession, or manufacture of alcoholic beverages, shall be applied by the governing body of such city by whatever name called, to an increase in pay to policemen and firemen employed by said city in the same proportion of their present wage scale.

Be it enacted by the Legislature of Alabama:

Section 1. That in all cities now or hereafter having a population of not less than 68,000, nor more than 100,000 according to the last or any subsequent Federal census, that any license excise tax, sales tax, permit tax, or other revenue collected hereafter from the sale, disposition, possession, or manufacture of alcoholic beverages, shall be applied exclusively by the governing body of such city by whatever name called, to an increase in pay to policemen and firemen employed by said city in the same proportion of their present wage scale.

Section 2. The governing body of any city affected by this act or any member of such governing body who fails or refuses to comply with the provisions of this act, shall upon conviction be guilty of a misdemeanor, and shall be fined not less than fifty dollars, nor more than five hundred dollars.

Section 3. All laws or parts of laws in conflict with this act are hereby repealed.

Section 4. If any section, provision or sentence or word of this act shall be held unconstitutional, it shall not effect any other section, provision or sentence or word of this act.

Section 5. This act shall take effect upon its passage and approval.

And the substitute was adopted.

Yeas, 65; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Denson	Lusk	Sanderson
Adams	Doster	Miles	Shaver
Almon	Douglass	Moore	Shipman
Arnold	Glover	McDermott	Sightler
Austin	Goolsby	McGowin	Spence
Blann	Haley	McPhaul	Steele
Bridges	Hamner	Norman (Lowndes)	Street
Britton	Hanks	Owens (Madison)	Taylor
Bulger	Hare	Parish (Pike)	Terry
Byars	Hendley	Petrey	Todd
Calhoun	Henson	Poole	Tolbert
Carter	Hill	Propst	Toomer
Connor	Hodges	Quarles	Waldrep
Cook	Jones	Reeder	Welch
Cox	Langdon	Reid	Williams
Davis	Long	Reynolds	Wright
Delony			

—65

And the bill:

H. 358. To provide that in all cities now or hereafter having a population of not less than 68,000 or more than 100,000, according to the last or any subsequent Federal census, that any license excise tax, sales tax, permit tax, or other revenue collected hereafter from the sale, disposition, possession, or manufacture of alcoholic beverages, shall be applied by the governing body of such city by whatever name called, to an increase in pay to policemen and firemen employed by said city in the same proportion of their present wage scale.

As amended by the substitute, was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 65; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Denson	Lusk	Sanderson
Adams	Doster	Miles	Shaver
Almon	Douglass	Moore	Shipman
Arnold	Glover	McDermott	Sightler
Austin	Goolsby	McGowin	Spence
Blann	Haley	McPhaul	Steele
Bridges	Hamner	Norman (Lowndes)	Street
Britton	Hanks	Owens (Madison)	Taylor
Bulger	Hare	Parish (Pike)	Terry
Byars	Hendley	Petrey	Todd
Calhoun	Henson	Poole	Tolbert
Carter	Hill	Propst	Toomer
Connor	Hodges	Quarles	Waldrep
Cook	Jones	Reeder	Welch
Cox	Langdon	Reid	Williams
Davis	Long	Reynolds	Wright
Delony			

—65

On motion of Mr. Taylor the bill, H. 358, was ordered sent forthwith to the Senate without engrossment.

S. 143. To authorize and require the Board of Education in any County in the State of not less than 75,000 nor more than 100,000 population according to the last or any succeeding Federal Census to provide a pension or retiring allowance for teachers who have served in the Public Schools of such County.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Denson	Miles	Shaver
Adams	Doster	Moore	Shipman
Almon	Douglass	McDermott	Sightler
Arnold	Glover	McGowin	Spence
Austin	Goolsby	McPhaul	Staples
Blann	Haley	Norman (Lowndes)	Steele
Bridges	Hamner	Owens (Madison)	Street
Britton	Hanks	Parish (Pike)	Taylor
Bulger	Hare	Petrey	Terry
Byars	Hendley	Poole	Todd
Calhoun	Henson	Propst	Tolbert
Carter	Hill	Quarles	Toomer
Connor	Hodges	Reeder	Waldrep
Cook	Jones	Reid	Welch
Cox	Langdon	Reynolds	Williams
Davis	Long	Sanderson	Wright
Delony	Lusk		

—66

H. 382. To authorize and empower the Court of Commissioners of Pike County in the State of Alabama, for the relief of Hattaway Lumber Company of Brundidge in said County, to pay to said company the sum of (\$212.00) Two Hundred Twelve &

NO/100 Dollars, to compensate for the damage to a truck injured on the Highway of said county by an employee of the county engaged in highway work for said county.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Denson	Miles	Shaver
Adams	Doster	Moore	Shipman
Almon	Douglass	McDermott	Sightler
Arnold	Glover	McGowin	Spence
Austin	Goolsby	McPhaul	Staples
Blann	Haley	Norman (Lowndes)	Steele
Bridges	Hamner	Owens (Madison)	Street
Britton	Hanks	Parish (Pike)	Taylor
Bulger	Hare	Petrey	Terry
Byars	Hendley	Poole	Todd
Calhoun	Henson	Propst	Tolbert
Carter	Hill	Quarles	Toomer
Connor	Hodges	Reeder	Waldrep
Cook	Jones	Reid	Welch
Cox	Langdon	Reynolds	Williams
Davis	Long	Sanderson	Wright
Delony	Lusk		

—66

On motion of Mr. Shipman, the bill H. 382, was ordered sent forthwith to the Senate without engrossment.

H. 411. To relieve all persons in Shelby County, Alabama, any in any Municipality thereof, of and from any and all legal obligation to work on the public roads or streets in Shelby County, Alabama, or in any Municipality thereof, or to pay any money in lieu of such obligation to work on the public roads or streets in Shelby County, Alabama, or in any Municipality thereof, and to prohibit the levying and collecting of a per capita road or street tax in Shelby County, Alabama, or in any Municipality thereof.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Carter	Haley	Lusk
Adams	Connor	Hamner	Miles
Almon	Cook	Hanks	Moore
Arnold	Cox	Hare	McDermott
Austin	Davis	Hendley	McGowin
Blann	Delony	Henson	McPhaul
Bridges	Denson	Hill	Norman (Lowndes)
Britton	Dester	Hodges	Owens (Madison)
Bulger	Douglass	Jones	Parish (Pike)
Byars	Glover	Langdon	Petrey
Calhoun	Goolsby	Long	Poole

Propst	Shaver	Street	Toomer
Quarles	Shipman	Taylor	Waldrep
Reeder	Sightler	Terry	Welch
Reid	Spence	Todd	Williams
Reynolds	Staples	Tolbert	Wright
Sanderson	Steele		

—66

On motion of Mr. Reid the bill, H. 411, was ordered sent forthwith to the Senate without engrossment.

MESSAGE FROM THE GOVERNOR

To the House of Representatives,
Montgomery, Alabama.
Gentlemen:

Under date of March 24, 1936, at the request of the author of the bill, I returned to your body House Bill No. 51 without my approval. On March 31, 1936, at the request of the author of the bill, I transmitted to your body a message vetoing House Bill No. 50.

If these veto messages have not been acted upon by your body, I am requested by the author of House Bill No. 50 and House Bill No. 51, to request that you return House Bill No. 50 and House Bill No. 51 to the Governor's office for an executive amendment desired by the author of the bills.

I, therefore, request, if consistent with your rules, that said veto messages be disregarded and withdrawn so that House Bill No. 50 and House Bill No. 51 may be returned for such action as is desired by the author of said bills.

Respectfully,

Bibb Graves,

Governor.

April 10, 1936.

GOVERNOR'S MESSAGE

On motion of Mr. Langdon the House directed the Clerk of the House to return to the Executive Department H. 50 and H. 51, in compliance with the above and foregoing Message from the Governor.

MESSAGE FROM THE GOVERNOR

To the House of Representatives,
Montgomery, Alabama.
Gentlemen:

I am returning herewith to you, the body in which it originated, House Bill No. 103 without my approval.

An examination of the bill discloses, First: that it is not proper in form, and, Second: that it may have the effect of denying appeals in habeas corpus cases of a criminal nature or character except in capital cases, as this section is the only provision made for appeals in that character of cases.

I suggest the following amendment which, if adopted, will meet my objection to the bill:

Amend the bill by inserting in the title thereof after the figures "1923" where they occur therein, the following: "as amended by Acts of 1927, page 76, approved June 16, 1927".

Further Amend the bill by inserting just after the words "Be it enacted by the Legislature of Alabama" the following:

Section 1. Amend Section 3238 of the Code of Alabama of 1923, as amended by Acts of 1927, page 76, approved June 16, 1927, so that the same shall read as follows: Section 3238. Any party aggrieved by the judgment on the trial of a habeas corpus may appeal to the Supreme Court or the Court of Appeals; and when, on habeas corpus, any person held in custody under a charge or conviction for crime or for extradition as a fugitive from justice from any other State, is discharged from said custody; or when any person held in custody under an indictment by the grand jury charging him with a capital offense is admitted to bail, the Solicitor or other prosecuting officer or attorney may take an appeal on behalf of the State to the Supreme Court or Court of Appeals, and in all such cases the judgment must be suspended pending the appeal; and the party may give bail with sufficient sureties conditioned that he will appear before such court or officer as may be prescribed by the judge, and abide the judgment rendered. No bill of exceptions or assignments of error shall be necessary or required, but the clerk of the court from which such appeal is taken shall, within thirty days from the date of such judgment, forward a transcript of the record and certificate of appeal to the Supreme Court or Court of Appeals, together with a statement of the evidence and the judge's ruling thereon, all certified to be correct by the Judge or officer hearing the petition; but the appellate court shall consider the case on the record and the evidence as set forth, and if the judgment of the trial court is correct, the case shall be affirmed; if erroneous, the appellate court shall render such judgment as the trial court should have rendered. The case on appeal shall, when so certified, be docketed and submitted to and be considered and decided by the appellate court without delay.

Respectfully,

(Signed) Bibb Graves,
Governor.

April 10, 1936.

GOVERNOR'S MESSAGE

The House proceeded to the consideration of the Message of His Excellency, the Governor, proposing an amendment to the bill:

H. 103. To amend Section 3238 of the Code of Alabama of 1923 relating to appeals in habeas corpus cases.

And the House concurred in and adopted the amendment proposed by His Excellency, the Governor, by a majority of the whole number elected to the House, said vote being:

Yeas, 77; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker

Almon

Arnold

Austin

Bateman

Blann

Bridges

Britton

Buffington

Bulger

Byars

Calhoun

Carter

Castleberry

Chichester

Cook

Cox

Davis

Delony

Dominick

Doster

Douglass

Glover

Goolsby

Haley	Lusk	Posey (Walker)	Sparks (Walker)
Hanks	Matthews	Propst	Spence
Hare	Merrill	Quarles	Staples
Hendley	Miles	Rayburn	Steele
Hill	Moore	Reeder	Taylor
Hodges	McDermott	Reid	Terry
Hollis	McGowin	Reynolds	Tidmore
Johnston	Norman (Bullock)	Robertson (Cullman)	Todd
Jones	Norman (Lowndes)	Robinson (Lowndes)	Tolbert
Langdon	Owen (Etowah)	Sanderson	Waldrep
Lee (Bullock)	Owens (Madison)	Shaver	Welch
Lee (Monroe)	Parish (Pike)	Sightler	Williams
Livingston	Poole	Sparks (Barbour)	Wright
Long			

—77

And the bill, H. 103, as amended by the amendment proposed by the Governor, was again read a third time at length and passed by a majority of the whole number elected to the House, said vote being:

Yeas, 77; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Doster	Matthews	Robertson (Cullman)
Almon	Douglass	Merrill	Robinson (Lowndes)
Arnold	Glover	Miles	Sanderson
Austin	Goolsby	Moore	Shaver
Bateman	Haley	McDermott	Sightler
Blann	Hanks	McGowin	Sparks (Barbour)
Bridges	Hare	Norman (Bullock)	Sparks (Walker)
Britton	Hendley	Norman (Lowndes)	Spence
Buffington	Hill	Owen (Etowah)	Staples
Bulger	Hodges	Owens (Madison)	Steele
Byars	Hollis	Parish (Pike)	Taylor
Calhoun	Johnston	Poole	Terry
Carter	Jones	Posey (Walker)	Tidmore
Castleberry	Langdon	Propst	Todd
Chichester	Lee (Bullock)	Quarles	Tolbert
Cook	Lee (Monroe)	Rayburn	Waldrep
Cox	Livingston	Reeder	Welch
Davis	Long	Reid	Williams
Delony	Lusk	Reynolds	Wright
Dominick			

—77

BILL ON THIRD READING

S. 108. To make an appropriation for the support, maintenance and improvement of The Southern Industrial Institute.

Was taken up. Mr. Lusk offered the following amendment to the bill, S. 108:

LUSK AMENDMENT TO SENATE BILL, 108

Amend Senate Bill 108 by adding to Section 2 the following:
 "This appropriation shall be subject to the terms, conditions, provisions and limitations of the Budget and Financial Control Act."
 And the amendment was adopted.
 Yeas, 77; Nays, 0.

Yeas:

Messrs.:

Adams	Glover	McDermott	Sanford
Austin	Goodwyn	McGowin	Shaver
Bateman	Goolsby	McPhaul	Sightler
Blann	Hamner	Norman (Bullock)	Sparks (Barbour)
Braswell	Hare	Norman (Lowndes)	Sparks (Walker)
Bridges	Henson	Owen (Etowah)	Spence
Britton	Hill	Owens (Madison)	Staples
Bulger	Hodges	Parish (Henry)	Steele
Byars	Hollis	Parish (Pike)	Street
Calhoun	Johnston	Petrey	Taylor
Carter	Jones	Poole	Tidmore
Castleberry	Lee (Monroe)	Propst	Todd
Chichester	Livingston	Quarles	Tolbert
Connor	Long	Rayburn	Tompkins
Davis	Lusk	Reeder	Toomer
Delony	Matthews	Reid	Welch
Denson	Merrill	Reynolds	Whigham
Dominick	Miles	Robinson (Lowndes)	Williams
Doster	Moore	Sanderson	Wright
Douglass			

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And the bill:

S. 108. To make an appropriation for the support, maintenance and improvement of The Southern Industrial Institute.

As amended, was read a third time at length and passed by a two-thirds majority of the whole number elected to the House.

Yeas, 85; Nays, 0.

Yeas:

Messrs.:

Adams	Chichester	Hendley	Moore
Almon	Connor	Henson	McDermott
Arnold	Cox	Hill	McGowin
Austin	Davis	Hodges	McPhaul
Bateman	Delony	Hollis	Norman (Bullock)
Blann	Denson	Johnston	Norman (Lowndes)
Boswell	Dominick	Jones	Owen (Etowah)
Braswell	Doster	Langdon	Owens (Madison)
Bridges	Douglass	Lee (Bullock)	Parish (Henry)
Britton	Glover	Lee (Monroe)	Parish (Pike)
Buffington	Goodwyn	Livingston	Petrey
Bulger	Goolsby	Lusk	Propst
Byars	Haley	Matthews	Quarles
Calhoun	Hamner	Merrill	Rayburn
Castleberry	Hare	Miles	Reeder

Reid	Sparks (Barbour)	Taylor	Toomer
Reynolds	Sparks (Walker)	Terry	Waldrep
Robinson (Lowndes)	Spence	Tidmore	Welch
Sanderson	Staples	Todd	Whigham
Sanford	Steele	Tolbert	Williams
Shaver	Street	Tompkins	Wright
Sightler			

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BILL INDEFINITELY POSTPONED

On motion of Mr. Street H. 128 was indefinitely postponed.

BILL ON THIRD READING

S. 52. To amend an Act, entitled "An Act to promote the objects of the National Housing Act by authorizing banks, savings banks, trust companies, insurance companies and building and loan associations to make loans pursuant to Titles I and II of the National Housing Act, and by authorizing banks, savings banks, trust companies, insurance companies, building and loan associations, to invest in mortgages insured, and in debentures issued, by the Federal Housing Administrator, and to invest in securities of National Mortgage Associations," approved January 31, 1935, as amended by an Act approved August 15, 1935, by adding thereto a section making loans insured under Title II of the National Housing Act eligible for deposit where securities must be, or may be, deposited pursuant to any law of the State of Alabama.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 71; Nays, 1.

Yeas:

Messrs.:

Mr. Speaker	Dominick	Matthews	Sanford
Adams	Doster	Merrill	Shaver
Arnold	Glover	Moore	Shipman
Austin	Goodwyn	McGowin	Sightler
Bateman	Goolsby	Norman (Bullock)	Sparks (Barbour)
Blann	Haley	Norman (Lowndes)	Sparks (Walker)
Braswell	Hamner	Owen (Etowah)	Spence
Britton	Hanks	Owens (Madison)	Staples
Buffington	Harrison	Parish (Henry)	Steele
Byars	Hill	Parish (Pike)	Terry
Calhoun	Hodges	Posey (Walker)	Tidmore
Castleberry	Hollis	Propst	Todd
Chichester	Johnston	Quarles	Tompkins
Cook	Jones	Rayburn	Welch
Cox	Lee (Monroe)	Reeder	Whigham
Davis	Livingston	Reid	Williams
Delony	Long	Reynolds	Wright
Denson	Lusk	Robinson (Lowndes)	

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Nay: Mr. Sanderson

— 1

BILLS INDEFINITELY POSTPONED

On motion of Mr. Welch H. 6 was indefinitely postponed.
On motion of Mr. Reeder H. 28 was indefinitely postponed.

BILL ON THIRD READING

S. 62. To declare the public policy of the State as to the control, elimination and prevention of increase of wet, swamp or overflow lands as affecting the public health, general welfare or public convenience or in aid of agriculture; to create each County of the State a drainage district for the purpose of this Act; to provide for the establishment and development of drainage subdistricts; to provide for or assist land owners in providing for, the prevention, elimination, or control of overflow waters, wet, swamp and overflow lands through the control of surface waters and soil erosion by means of drainage, ditching or terracing as related to said declared policy; to provide for the creation of County Boards of Drainage Commissioners; to provide general powers of the County Board of Revenue or Commissioners necessary to carry out the purposes of this Act; to provide for the assessment and collection of costs and expenses of establishing proper control of surface waters upon agricultural lands of this State; to promote, aid and assist the purposes of drainage districts organized under the "Alabama Drainage Law"; to confer the right of eminent domain to the extent necessary to carry into effect the purposes of this Act; and to provide for the repeal of laws in conflict with this Act in so far as they affect the operations of this Act.

Was taken up. Mr. Waldrep offered the following amendment to the bill. S. 62:

Amendment to S. 62 by Mr. Waldrep:

Amend S. B. 62 by striking out the words where same appears together—"or potentially benefited" and "or potential benefits".

Amend Section 10 of S. B. 62 by striking out the words "or not affected" where same appear together in the third line of said section.

And the amendment was adopted.

Yeas, 64; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker
Almon
Blann
Boswell
Braswell
Byars
Carter

Castleberry
Chichester
Cox
Davis
Delony
Douglass
Glover

Goodwyn
Goolsby
Haley
Hamner
Hanks
Hendley
Henson

Hill
Hodges
Hollis
Johnston
Jones
Lee (Bullock)
Lee (Monroe)

Livingston	Owen (Etowah)	Reynolds	Tidmore
Long	Owens (Madison)	Robinson (Lowndes)	Todd
Lusk	Parish (Henry)	Sanford	Tolbert
Matthews	Petrey	Shaver	Tompkins
Merrill	Poole	Sightler	Waldrep
Miller	Posey (Walker)	Sparks (Barbour)	Welch
Moore	Rayburn	Sparks (Walker)	Whigham
McDermott	Reeder	Spence	Williams
Norman (Lowndes)	Reid	Terry	Wright

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On motion of Mr. Reeder the further consideration of the bill, S. 62, was postponed until the next Legislative Day.

RESOLUTIONS

Mr. Poole offered the following resolution:

By Mr. Poole:

H. J. R. 58. Be it resolved by the House, the Senate concurring, that when the two houses adjourn to-day they adjourn sine die.

The resolution was referred to the Standing Committee on Rules.

Mr. Shaver offered the following resolution:

By Mr. Shaver:

H. R. 59. Resolved that House Bill No. 395 be made a special, paramount and continuing order for the next legislative day.

The resolution was referred to the Standing Committee on Rules.

Mr. Norman (Bullock) offered the following resolution:

By Mr. Norman (Bullock):

H. R. 60. Resolved by the House of Representatives that the Department of Education of the State of Alabama be and is hereby requested to furnish for the information of this body a tabulated comparison of the total amounts expended in the 67 counties of Alabama, by counties, for the years 1918 and 1934, showing the aggregate amount expended in each county by County and City Boards of Education for all purposes.

Also that such comparison show the total enrollment in elementary and high schools for the years 1918 and 1934 in the 67 counties, with totals for the State.

On motion of Mr. Norman (Bullock) the rules were suspended and the resolution was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the report of the Committee of Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 103. To authorize the Board of Revenue of Houston County, Alabama, to levy and collect a privilege tax on all persons, corporations, copartnerships, companies, agencies, associations and refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naptha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil," "fuel oil" or "crude oil" commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon, to authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; to make provisions for the distribution of the funds derived from said privilege tax; to prohibit any incorporated city or town in said county from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis; to repeal the municipal privilege, excise and/or license taxes on gasoline, Woco-pep, or any other moto fuel, used by self propelled vehicles which may now be collected or levied by any incorporated city or town in said county; to provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; to repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective.

J. E. Speight,
Secretary.

BILL ON THIRD READING

H. 373. To amend Part 4 of Subdivision VIII of Section 1 of an act entitled an Act to make appropriations for the ordinary expenses of the Executive, Legislative and Judicial Departments of the State, for the interest on the public debt, and for the public schools, approved September 6, 1935.

Was taken up. Mr. Lusk offered the following substitute for the bill, H. 373:

Lusk substitute for House Bill 373:

Amend House Bill 373 so that the same shall read as follows:

A BILL

To be entitled an Act to amend Sub-section XVI of Section 1, and part 12 of Sub-section X, and part 4 of Subdivision VIII of Section 1 of an Act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative and Judicial Departments of the State, for the interest on the public debt, and for the public schools", approved September 6, 1935.

Be it enacted by the Legislature of Alabama:

Section 1. That Part 4 of Subdivision VIII of Section 1 of an Act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative and Judicial Departments of the State, for the interest on the public debt, and for the public schools", approved September 6, 1935, be and the same is hereby amended so as to read as follows:

"Section 1, Subdivision VIII, Part 4. There is hereby appropriated for each of the four fiscal years ending respectively September 30th, 1936, 1937, 1938 and 1939 to be paid out of any moneys hereinafter specified, or so much thereof as may be necessary: State Service Commission: For Compensation of Commissioner \$2,400.00; other salaries \$8,000.00; supplies and materials \$500.00; postage, telephone and telegraph \$600.00; printing and binding \$60.00; travel expense \$500.00; insurance and bonding \$10.00; rent, lights, heat and water \$750.00—\$12,820."

Section 2. That Subsection XVI of Section 1 of "An Act, to make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt, and for the public schools", approved September 6, 1935, be amended so that the same shall read as follows:

"XVI. DEBT PAYMENT. 1. Harbor Improvement Bonds: For the year 1936 \$100,000.00; for the year 1937 \$175,000.00; for the year 1938 \$250,000.00; for the year 1939 \$250,000.00—\$775,000.00.

2. Sinking fund for Class A Renewal, Class C Renewal and Funding Bonds \$250,000.00 for each of the four fiscal years ending respectively September 30, 1936, 1937, 1938 and 1939, provided, however, the condition of the treasury is such in the judgment and discretion of the Governor that such sums should be paid into said sinking fund and the Governor is hereby invested with full power and authority to discontinue any or all of the annual appropriations for in this Sub-section 2."

Section 3. That Part 12 of Sub-section X of Section 1 of "An Act to make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt, and for the public schools", approved September 6, 1935, be amended so that the same shall read as follows:

"12. To the State Department of Public Welfare \$15,000.00. There is hereby appropriated out of any monies in the treasury to the State Department of Public Welfare for each of the four fiscal years ending respectively, September 30, 1936, 1937, 1938 and 1939, the sum of \$250,000.00 which shall be used by the State Department of Public Welfare for the purpose of public assistance including general home relief, outdoor and indoor care of persons in need of assistance and old age pensions and other purposes set out in an Act to create the State Department of Public Welfare, approved August 27, 1935, in accordance with and under the terms and conditions set forth and subscribed in an Act to create a Department of Public Welfare, etc., approved August 27, 1935, and appearing in the printed Acts of the Regular Session of 1935, on page 762.

This appropriation shall not be subject to the terms, conditions, provisions and limitations of the Budget and Financial Control Act.

This appropriation is made contingent upon the continued existence from year to year of the need for relief on the part of those herein provided for and whenever the Governor in his discretion shall determine that the need for any fiscal year is not sufficient to require the payment of the sum for such fiscal year, the Governor is vested with full discretion and authority to discontinue the appropriation for that year or any portion thereof as in his judgment may be to the best interest of the State of Alabama."

The substitute was adopted.

Yeas, 86; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Dominick	Merrill	Sanford
Adams	Doster	Miles	Shaver
Arnold	Douglass	Miller	Shipman
Austin	Glover	Moore	Sightler
Blann	Goodwyn	McDermott	Sparks (Walker)
Boswell	Goolsby	McGowin	Spence
Braswell	Haley	McPhaul	Staples
Bridges	Hamner	Norman (Bullock)	Steele
Britton	Harrison	Norman (Lowndes)	Street
Buffington	Hendley	Owen (Etowah)	Taylor
Bulger	Henson	Owens (Madison)	Terry
Byars	Hill	Parish (Henry)	Tidmore
Calhoun	Hodges	Petrey	Todd
Carter	Hollis	Poole	Tolbert
Castleberry	Johnston	Propst	Tompkins
Chichester	Jones	Quarles	Toomer
Connor	Langdon	Reid	Waldrep
Cook	Lee (Bullock)	Reynolds	Welch
Cox	Lee (Monroe)	Robertson (Cullman)	Whigham
Davis	Livingston	Robinson (Lowndes)	Williams
Delony	Lusk	Sanderson	Wright
Denson	Matthews		

And the bill:

H. 373. To amend Part 4 of Subdivision VIII of Section 1 of an act entitled an Act to make appropriations for the ordinary expenses of the Executive, Legislative and Judicial Departments of the State, for the interest on the public debt, and for the public schools, approved September 6, 1935.

As amended by the substitute, was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 86; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Dominick	Merrill	Sanford
Adams	Doster	Miles	Shaver
Arnold	Douglass	Miller	Shipman
Austin	Glover	Moore	Sightler
Blann	Goodwyn	McDermott	Sparks (Walker)
Boswell	Goolsby	McGowin	Spence
Braswell	Haley	McPhaul	Staples
Bridges	Hamner	Norman (Bullock)	Steele
Britton	Harrison	Norman (Lowndes)	Street
Buffington	Hendley	Owen (Etowah)	Taylor
Bulger	Henson	Owens (Madison)	Terry
Byars	Hill	Parish (Henry)	Tidmore
Calhoun	Hodges	Petrey	Todd
Carter	Hollis	Poole	Tolbert
Castleberry	Johnston	Propst	Tompkins
Chichester	Jones	Quarles	Toomer
Connor	Langdon	Reid	Waldrep
Cook	Lee (Bullock)	Reynolds	Welch
Cox	Lee (Monroe)	Robertson (Cullman)	Whigham
Davis	Livingston	Robinson (Lowndes)	Williams
Delony	Lusk	Sanderson	Wright
Denson	Matthews		

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On motion of Mr. Lusk the bill, H. 373, was ordered sent forthwith to the Senate without engrossment.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following joint resolution:

By the Rules Committee:

S. J. R. 49. BE IT RESOLVED BY THE SENATE, the House concurring, that when the two houses adjourn today, they adjourn to meet again on Tuesday, April 14, 1936, at ten o'clock, A. M.

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. McDermott the rules were suspended and the resolution, S. J. R. 49, was adopted.

BILL ON THIRD READING

H. 355. To amend Section 213 of the Code of Alabama of 1923.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 85; nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Doster	Miles	Sanford
Adams	Douglass	Miller	Shaver
Almon	Glover	Moore	Shipman
Arnold	Goodwyn	McDermott	Sightler
Austin	Goolsby	McGowin	Sparks (Barbour)
Bateman	Haley	McPhaul	Sparks (Walker)
Boswell	Hamner	Norman (Bullock)	Spence
Braswell	Harrison	Norman (Lowndes)	Staples
Bridges	Hendley	Owen (Etowah)	Steele
Britton	Henson	Owens (Madison)	Taylor
Buffington	Hill	Parish (Henry)	Terry
Bulger	Hollis	Petrey	Tidmore
Byars	Johnston	Poole	Todd
Calhoun	Jones	Posey (Walker)	Tolbert
Carter	Langdon	Propst	Tompkins
Castleberry	Lee (Bullock)	Quarles	Toomer
Chichester	Livingston	Rayburn	Waldrep
Connor	Long	Reeder	Welch
Cox	Lusk	Reid	Whigham
Davis	Matthews	Robinson (Lowndes)	Williams
Delony	Merrill	Sanderson	Wright
Dominick			

—85

On motion of Mr. Harrison the bill, H. 355, was ordered sent forthwith to the Senate without engrossment.

RESOLUTION

Mr. Arnold offered the following resolution:

By Mr. Arnold:

H. R. 61. Be it resolved, that H. B. 402 be made a special, paramount and continuing order for the next Legislative Day.

The resolution was referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the report of the Committee of Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 241. To create and establish a Board of Finance and Control in and for Cullman County, Alabama, to be composed of five members, one of whom shall be Chairman of said Board; to fix the qualifications of the Chairman and other members of the said Board; to abolish the Court of County Commissioners of Cullman County, Alabama; to designate the manner of constituting, selecting and appointing the first Board to hold office hereunder, and providing for the appointment of the first Chairman of the said Board by the Governor; to fix the term of office of the first Board holding office hereunder, and their successors in office; to provide for filling vacancies therein, to require the members elected, chosen or appointed hereunder to take the oath of office and give bond; to define the powers and duties of the said Board; to fix the compensation of the members hereof; to confer upon said Board all the jurisdiction, powers and authority that is now or may hereafter be granted by law to Courts of County Commissioners, Boards of Revenue, or other governing bodies of like name and authority in this state; to require the said Board of Finance and Control to employ a Clerk and a Supervisor of Roads and Bridges for the county, and to fix the duties, qualifications and compensations of such Clerk and Supervisor of Roads and Bridges, providing the manner of their payment, and to repeal all laws and parts of laws in conflict with the provisions of this Act; particularly and expressly repealing any and all laws constituting the Judge of Probate as principal judge and member of the Court of County Commissioners, granting judicial power, requiring reports from courts of said county, providing meeting place and time of meeting of said Board.

To provide for the election of all members of said Board at the expiration of the term of office of the first Board constituted hereunder.

And said bill, as thus amended by the Conference Report, was again read a third time at length and passed by the Senate.

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 137. To amend Section 360 of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935 and known as House Bill 324.

Also:

H. 122. To amend Section 9017 of the Code of Alabama of 1923.

Also:

H. 99. To amend Schedule 158.5 of Chapter 6, Article 13, of an act entitled "An act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

Also:

H. 158. To Amend Section 276 of an Act entitled "an act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

By Mr. McDermott:

H. 103. To amend Section 3238 of the Code of Alabama of 1923, as amended by Acts of 1927, page 76, approved June 16, 1927, relating to appeals in habeas corpus cases.

By a vote of a majority of the whole number elected to the Senate; said vote being yeas 24, nays 0.

And said bill, H. 103, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a majority of the whole number elected to the Senate; said vote being yeas 22, nays 0.

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in the House amendment to the bill:

S. 108. To make an appropriation for the support, maintenance and improvement of the Southern Industrial Institute.

J. E. Speight,
Secretary.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 10:35 o'clock A. M. Apr. 10, 1936:

H. 123, H. 186.

E. F. Taylor,
Clerk.

ADJOURNMENT

On motion of Mr. Poole the House adjourned until Tuesday, April 14, 1936, at 10 o'clock A. M.

TWENTY-SECOND DAY

House of Representatives,

Montgomery, Alabama.

April 14, 1936.

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Monsignor James B. Rogers, St. Peter's Catholic Church, Montgomery, Ala.

ROLL CALL

On a call of the roll of the House the following members answered to their names:

Messrs.:			
Mr. Speaker	Doster	Lusk	Robertson (Cullman)
Adams	Douglass	Matthews	Robinson (Lowndes)
Arnold	Glover	Merrill	Sanderson
Austin	Goodwyn	Miles	Sanford
Bateman	Goolsby	Miller	Shaver
Blann	Haley	Moore	Shipman
Braswell	Hall	McDermott	Sightler
Bridges	Hamner	McGowin	Sparks (Barbour)
Britton	Hanks	McPhaul	Sparks (Walker)
Buffington	Hare	Norman (Bullock)	Spence
Bulger	Harrison	Norman (Lowndes)	Staples
Burleson	Heflin	O'Neal	Steele
Byars	Hendley	Owen (Etowah)	Street
Calhoun	Henson	Owens (Madison)	Taylor
Carter	Hill	Parish (Henry)	Tidmore
Castleberry	Hodges	Parish (Pike)	Todd
Chichester	Hollis	Petrey	Tolbert
Connor	Jones	Poole	Tompkins
Cook	Kelly	Posey (Walker)	Toomer
Cox	Kirby	Propst	Waldrep
Davis	Langdon	Quarles	Wallace
Delony	Lee (Bullock)	Rayburn	Welch
Denson	Lee (Monroe)	Reeder	Whigham
De Vane	Livingston	Reid	Williams
Dominick	Long	Reynolds	Wright

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A quorum was present.

REPORT OF STANDING COMMITTEE ON REVISION OF
JOURNAL

Mr. Speaker:

Your Standing Committee on the Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the House for the Twenty-first Legislative Day and finds same correct.

R. L. Tolbert,
Vice-Chairman.

The report of the Standing Committee on the Revision of the Journal was adopted and the Journal of the House for the Twenty-First Legislative Day was approved.

INTRODUCTION OF BILLS

On a call of counties bills were introduced severally read one time and referred to appropriate standing committees as follows: By Messrs. Williams and Wallace (with notice and proof):

H. 439. To provide that the members of the Court of County Commissioners of Clarke County, Alabama, shall be paid for their services and mileage or other lawful claims against the County out of the proceeds of the gasoline tax received by Clarke County from the State of Alabama, except that compensation and mileage accruing to such members by reason of their attendance upon meetings of said Court shall continue to be paid from the General Fund of said County as heretofore; and to authorize and require separate warrants for such compensation and mileage or other lawful claims to be drawn and paid out of the proceeds of said gasoline tax, and out of the General Fund, respectively.

Local Legislation No. One.

Notice and proof H. 439:

NOTICE

A bill will be introduced in the current session of the Legislature of Alabama, and its passage sought, which shall be substantially as follows:

A BILL TO BE ENTITLED AN ACT

To provide that the members of the Court of County Commissioners of Clarke County, Alabama, shall be paid for their services and mileage or other lawful claims against the County out of the proceeds of the gasoline tax received by Clarke County from the State of Alabama, except that compensation and mileage accruing to such members by reason of their attendance upon meetings of said Court shall continue to be paid from the

General Fund of said County as heretofore; and to authorize and require separate warrants for such compensation and mileage or other lawful claims to be drawn and paid out of the proceeds of said gasoline tax, and out of the General Fund, respectively.

Be it enacted by the Legislature of Alabama:

Section 1: That from and after the passage and approval of this Act, all members of the Court of County Commissioners of Clarke County, Alabama, shall be paid for their services and mileage or other lawful claims against the County out of the proceeds of the gasoline tax received by Clarke County from the State of Alabama, except that any amount accruing to said members of said Court as compensation or mileage for attending meetings of said Court shall continue to be paid from the General Fund of said County, as heretofore; and provided further that this Act shall not be construed as making any change in the amount or rate of compensation or mileage or other lawful claims payable to such members of said Court, which compensation and mileage shall continue to be computed as may now or hereafter be authorized by the general or local laws of the State of Alabama.

Section 2: That after the passage and approval of this Act, each member of said Court shall present to the Court his claim for compensation and mileage or other lawful claims as heretofore, but he shall so prepare said claim that said Court may be able to distinguish between the amount claimed as compensation and mileage for attendance upon meetings of said Court, and amounts claimed as compensation and mileage or other lawful claims for other services rendered to the County by such member; and upon allowance of such claim by the Court, separate warrants shall be issued to such member, as other warrants are issued, one of which shall be drawn upon the General Fund of the County and shall cover amounts allowed by the Court to such member as compensation and mileage for attending upon meetings of said Court; and a separate warrant shall be drawn in favor of such member, payable out of the proceeds of the gasoline tax received by Clarke County from the State of Alabama, for such compensation and mileage or other lawful claim as shall be due such member for other services rendered by him to the County.

Section 3: That all laws, whether general or local, inconsistent or in conflict with the provisions of this Act, be and they are hereby repealed.

Section 4: This Act shall become effective thirty days after its approval by the Governor.

STATE OF ALABAMA }
CLARKE COUNTY }

I, G. A. Carleton, do hereby certify on oath, that I am the Editor and Publisher of the Clarke County Democrat, a newspaper published in Clarke County, Alabama; and that the attached clipping, giving notice of intention to introduce a Bill into the current session of the Legislature of Alabama was published in each of the issues of said newspaper dated respectively, March 19, 1936, March 26, 1936, April 2, 1936, and April 9, 1936.

G. A. CARLETON.

Subscribed and sworn to before me on this the 9th day of April, 1936.

NEVA LONG,

Notary Public, Clarke County, Ala.

By Mr. Sanford (with notice and proof):

H. 440. To amend Sec. 21 of that certain act entitled "An Act to better secure the administration of the financial affairs of the Counties of Alabama, and for that purpose, and to that end to

vest in County Boards of Revenue, County Commissioners, and other like governing bodies by whatever name known, more efficient power and control over all public funds that may now or hereafter be under their management and control; to limit their power and authority to approve and pay claims for current operating expenses in any fiscal year to the income of the county available for such purposes; to prescribe the fiscal year for the purposes of this act; to provide for the registration of all outstanding general obligations; to more effectively provide for the preparation and adoption of annual budgets; to provide that no warrants or orders for money shall be issued under the authority of such boards until the cash is available for their payment; to provide for a record of the financial status of counties; to provide that temporary loans made under the general laws of the State of Alabama for the purpose of enabling counties to meet their current obligations shall not exceed 95 percent of such temporary loans made the preceding year, except for the purpose of meeting emergencies and to provide that in making up a budget the amount borrowed on such temporary loan to be made during each fiscal year shall be included as a part of the operating revenue of the county for such year, and the amount of such temporary loan, principal and interest payable in each fiscal year shall constitute a part of the operating expenses to be included in the budget of the county for the fiscal year in which such loans are payable, and shall be paid out of the funds pledged therefor; to provide that this act shall be effective on and after the first day of October, 1935; and to repeal all laws except local laws, in conflict with the Act. Provided, the Act shall not apply to counties having more than 95,000 population," adopted and approved Sept. 9, 1935 (Acts 1935, p. 803)

Local Legislation No. One.

Notice and proof H. 440:

NOTICE

Notice is hereby given that application will be made to the legislature during its present special session for the passage of an act in substance as follows:

AN ACT

To amend Sec. 21 of that certain act entitled
"AN ACT to better secure the administration of the financial affairs of the Counties of Alabama, and for that purpose and to that end to vest in County Boards of Revenue, County Commissioners, and other like governing bodies by whatever name known, more efficient power and control over all public funds that may now or hereafter be under their management and

control; to limit their power and authority to approve and pay claims for current operating expenses in any fiscal year to the income of the county available for such purposes; to prescribe the fiscal year for the purposes of this Act; to provide for the registration of all outstanding general obligations; to more effectively provide for the preparation and adoption of annual budgets; to provide that no warrants or orders for money shall be issued under the authority of such boards until the cash is available for their payment; to provide for a record of the financial status of counties; to provide that temporary loans made under the general laws of the State of Alabama for the purpose of enabling counties to meet their current obligations shall not exceed 95 per cent of such temporary loans made the preceding year, except for the purpose of meeting emergencies and to provide that in making up a budget the amount borrowed on such temporary loan to be made during each fiscal year shall be included as a part of the operating revenue of the county for such year, and the amount of such temporary loan, principal and interest, payable in each fiscal year shall constitute a part of the operating expenses to be included in the budget of the county for the fiscal year in which such loans are payable, and shall be paid out of the funds pledged therefor; to provide that this act shall be effective on and after the first day of October, 1935; and to repeal all laws except local laws, in conflict with the Act. Provided, the Act shall not apply to counties having more than 95,000 population."

adopted and approved Sept. 9, 1935 (Acts 1935 p. 803)

Be it enacted by the legislature of Alabama as follows:

Sec. 1. That section 21 of that certain act entitled

"AN ACT to better secure the administration of the financial affairs of the Counties of Alabama, and for that purpose and to that end to vest in County Boards of Revenue, County Commissioners, and other like governing bodies by whatever name known, more efficient power and control over all public funds that may now or hereafter be under their management and control; to limit their power and authority to approve and pay claims for current operating expenses in any fiscal year to the income of the county available for such purposes; to prescribe the fiscal year for the purposes of this Act; to provide for the registration of all outstanding general obligations; to more effectively provide for the preparation and adoption of annual budgets; to provide that no warrants or orders for money shall be issued under the authority of such boards until the cash is available for their payment; to provide for a record of the financial status of counties; to provide that temporary loans made under the general laws of the State of Alabama for the purpose of enabling counties to meet their current obligations shall not exceed 95 per cent of such temporary loans made the preceding year, except for the purpose of meeting emergencies and to provide that in making up a budget the amount borrowed on such temporary loan to be made during each fiscal year shall be included as a part of the operating revenue of the county for such year, and the amount of such temporary loan, principal and interest, payable in each fiscal year shall constitute a part of the operating expenses to be included in the budget of the county for the fiscal year in which such loans are payable, and shall be paid out of the funds pledged therefor; to provide that this act shall be effective on and after the first day of October, 1935; and to repeal all laws except local laws, in conflict with the Act. Provided, the Act shall not apply to counties having more than 95,000 population."

adopted and approved Sept. 9, 1935, (Acts 1935 p. 803) be and the same is hereby amended so as to read as follows:

"Sec. 21. The provisions of this act shall not apply to any counties having a population or more than 95,000, according to the last or any subsequent federal census, nor shall it apply to Elmore County."

Sec. 2. This act shall go into effect upon its approval by the Governor.
Smar4t.

THE STATE OF ALABAMA,
ELMORE COUNTY.

Before me the undersigned authority personally appeared H. H. Golson, who by me first being duly sworn deposes and says that he is the Editor of The Wetumpka Herald, a weekly newspaper published at Wetumpka, in Elmore County, Alabama, and that the attached notice of application to legislature for passage of an Act was published in said newspaper for 4 successive weeks on towit: March 5th, 12th, 19th and 26th, 1936.

H. H. GOLSON,
Editor, The Wetumpka Herald.

Sworn to and subscribed before me this the 13th day of April, 1936.

W. W. BATEMAN,
Notary Public.

By Mr. Sanford (with notice and proof):

H. 441. To provide that a certain act entitled "An Act to better secure the administration of the financial affairs of the Counties of Alabama, and for that purpose and to that end to vest in County Boards of Revenue, County Commissioners, and other like governing bodies by whatever name known, more efficient power and control over all public funds that may now or hereafter be under their management and control; to limit, their power and authority to approve and pay claims for current operating expenses in any fiscal year to the income of the county available for such purposes; to prescribe the fiscal year for the purposes of this Act; to provide for the registration of all outstanding general obligations; to more effectively provide for the preparation and adoption of annual budgets; to provide that no warrants or orders for money shall be issued under the authority of such boards until the cash is available for their payment; to provide for a record of the financial status of counties; to provide that temporary loans made under the general laws of the State of Alabama for the purpose of enabling counties to meet their current obligations shall not exceed 95 per cent of such temporary loans made the preceding year, except for the purpose of meeting emergencies and to provide that in making up a budget the amount borrowed on such temporary loan to be made during each fiscal year shall be included as a part of the operating revenue of the county for such year, and the amount of such temporary loan, principal and interest, payable in each fiscal year shall constitute a part of the operating expenses to be included in the budget of the county for the fiscal year in which such loans are payable, and shall be paid out of the funds pledged therefor; to provide that this act shall be effective on and after the first day of October, 1935; and to repeal all laws except local laws, in conflict with the Act. Provided, the Act shall not apply to counties having more than 95,000 population." Adopted and approved Sept. 9, 1935, (Act 1935, p. 803) shall not apply to or effect Elmore County, Alabama, this County remaining as if it had been excepted from the operation thereof on its passage.

Local Legislation No. One.

Notice and proof H. 441:

NOTICE

Notice is hereby given that application will be made to the legislature during its present special session for the passage of an act in substance as follows:

AN ACT

TO PROVIDE that a certain act entitled

"AN ACT to better secure the administration of the financial affairs of the Counties of Alabama, and for that purpose and to that end to vest in County Boards of Revenue, County Commissioners, and other like governing bodies by whatever name known, more efficient power and control over all public funds that may now or hereafter be under their management and control; to limit their power and authority to approve and pay claims for current operating expenses in any fiscal year to the income of the county available for such purposes; to prescribe the fiscal year for the purposes of this Act; to provide for the registration of all outstanding general obligations; to more effectively provide for the preparation and adoption of annual budgets; to provide that no warrants or orders for money shall be issued under the authority of such boards until the cash is available for their payment; to provide for a record of the financial status of counties; to provide that temporary loans made under the general laws of the State of Alabama for the purpose of enabling counties to meet their current obligations shall not exceed 95 per cent of such temporary loans made the preceding year, except for the purpose of meeting emergencies and to provide that in making up a budget the amount borrowed on such temporary loan to be made during each fiscal year shall be included as a part of the operating revenue of the county for such year, and the amount of such temporary loan, principal and interest, payable in each fiscal year shall constitute a part of the operating expenses to be included in the budget of the county for the fiscal year in which such loans are payable, and shall be paid out of the funds pledged therefor; to provide that this act shall be effective on and after the first day of October, 1935; and to repeal all laws except local laws, in conflict with the Act. Provided, the Act shall not apply to counties having more than 95,000 population."

adopted and approved Sept. 9, 1935, (Acts 1935, p. 803) shall not apply to or effect Elmore County, Alabama, this County remaining as if it had been excepted from the operation thereof on its passage.

Be it enacted by the legislature of Alabama:

Section 1. That that certain act of the legislature of Alabama approved Sept. 9, 1935, (Acts 1935 page 803) and entitled

"AN ACT to better secure the administration of the financial affairs of the Counties of Alabama, and for that purpose and to that end to vest in County Boards of Revenue, County Commissioners, and other like governing bodies by whatever name known, more efficient power and control over all public funds that may now or hereafter be under their management and control; to limit their power and authority to approve and pay claims for current operating expenses in any fiscal year to the income of the county available for such purposes; to prescribe the fiscal year for the purposes of this Act; to provide for the registration of all outstanding general obligations; to more effectively provide for the preparation and adoption of annual budgets; to provide that no warrants or orders for money shall be issued under

the authority of such boards until the cash is available for their payment; to provide for a record of the financial status of counties; to provide that temporary loans made under the general laws of the State of Alabama for the purpose of enabling counties to meet their current obligations shall not exceed 95 per cent of such temporary loans made the preceding year, except for the purpose of meeting emergencies and to provide that in making up a budget the amount borrowed on such temporary loan to be made during each fiscal year shall be included as a part of the operating revenue of the county for such year, and the amount of such temporary loan, principal and interest, payable in each fiscal year shall constitute a part of the operating expenses to be included in the budget of the county for the fiscal year in which such loans are payable, and shall be paid out of the funds pledged therefor; to provide that this act shall be effective on and after the first day of October, 1935; and to repeal all laws except local laws, in conflict with the Act. Provided, the Act shall not apply to counties having more than 95,000 population."

shall not affect or apply to Elmore County, Alabama, the status of Elmore remaining as if Elmore County had been excepted from the operation thereof on its passage.

Sec. 2. This act shall go into effect immediately upon its approval by the governor.
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THE STATE OF ALABAMA, ELMORE COUNTY.

Before me the undersigned authority personally appeared H. H. Golson, who by me first being duly sworn deposes and says that he is the Editor of The Wetumpka Herald, a weekly newspaper published at Wetumpka, in Elmore County, Alabama, and that the attached notice of application to legislature for passage of an Act was published in said newspaper for 4 successive weeks on towit: March 5th, 12th, 19th and 26th, 1936.

H. H. GOLSON,

Editor, The Wetumpka Herald.

Sworn to and subscribed before me this the 13th day of April, 1936.

W. W. BATEMAN,

Notary Public.

By Mr. Jones:

H. 442. Declaring a State And National Emergency To Exist Affecting The Service Trades Within The State of Alabama, Declaring The Necessity For Ordinances Providing For Fair Competition Among Service Trade; Declaring This Act An Emergency Measure; Authorizing The Governing Bodies Of All Cities Of This State Whose Population Is Not Less Than 11,000 Nor More than 12,000 According To The Last Or Any Subsequent Federal Census To Enact Or Repeal Such Ordinances Providing For Fair Competition Among Those Trades Wherein Services Are Rendered To The Public Without The Sale of Merchandise As Such Except As A Mere Incident To Such Service; Providing For The Application To The Governing Bodies of Such Cities For The Establishment of Ordinances Providing For Fair Competition, and Providing A Penalty For Violation of Provision of Ordinances So Adopted.

Local Legislation No. One.

By Mr. Arnold:

H. 443. To amend Section 7 of Paragraph VII of Section 1 of an Act, approved September 6, 1936, and entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative and Judicial Departments of the State, for the interest on the public debt, and for the public schools.

Appropriations.

By Mr. Lee (Monroe):

H. 444. To relieve the Tax Assessor of all the Counties in the State of Alabama, where there are no local laws providing to the contrary, from the duty of preparing a book of Assessments, and in lieu thereof to arrange in alphabetical order, according to Beats, the original assessment lists, and have same permanently bound and kept as a permanent record, and prepare the Tax Collector's abstracts from said assessment lists, and to repeal all laws in conflict herewith, except local laws.

Ways and Means.

By Messrs. Lee (Monroe) and Castleberry:

H. 445. A bill to be entitled An Act to submit to the qualified voters of the State of Alabama at the next general election to be held on the first Tuesday after the first Monday in November, 1936, for their consideration, an amendment to the Constitution of the State of Alabama to be known as amendment No. _____ to authorize any County in Alabama to issue warrants to an amount not exceeding its unbonded indebtedness as evidenced by warrants issued or other debts contracted prior to and outstanding on October 1, 1935, and now outstanding, or any warrants issued to refund said unbonded indebtedness or other debts, and to provide that from and after their ratification of this amendment no warrant or other evidences of indebtedness of any nature may be issued by any County unless the money for the immediate payment of same is at that time available.

Be it enacted by the Legislature of Alabama:

"Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration as hereinafter set forth, Namely:

"No new bonds may be issued and no new debt may be created against any County in the State of Alabama above the limit fixed in Section 224 of the Constitution; provided, however, that any County may issue warrants to an amount not exceeding its unbonded indebtedness as evidenced by warrants issued or other debts contracted prior to and outstanding on October 1, 1935, and now outstanding, or any warrant issued to refund said unbonded indebtedness; said warrants shall be issued solely for and shall be

used solely for the retirement of said warrants or other forms of indebtedness or as many thereof as possible, and may be sold for cash and the money thus received used to take up said warrants or said warrants may be exchanged for said refunding warrants, either or both. From and after ratification of this amendment no warrant or other evidences of indebtedness of any nature may be issued by any County unless the money for the immediate payment of same is at that time available."

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in the State at least four successive weeks next preceding the general election in November, 1936, of the election and the amendment proposed by this Act to be submitted to the qualified voters of the State for their consideration, together with the proposed amendment.

Section 3. That at the general election held on the first Tuesday after the first Monday in November, 1936, the foregoing Amendment shall be submitted to the qualified electors of the State. Upon the ballots used at such election shall be printed the foregoing Amendment as set forth in Section One hereof in full. Following the proposed Amendment on the Ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No." The choice of the elector shall be indicated by a cross mark beside the word expressing the desire.

Section 4. The officers of such general election shall conduct a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon such proposed amendment the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor.

The above and foregoing bill, H. 445, proposing an amendment to the Constitution, was read one time at length and referred to the Standing Committee on Constitution and Constitutional Amendments.

By Mr. Goodwyn (by request):

H. 446. To amend the last paragraph of Section 1 of an act "Defining motor transportation companies and motor transportation operators, conferring jurisdiction upon the Alabama Public

Service Commission over the transportation of passengers and property for hire as common carrier by motor vehicles and providing for the supervision and regulation and taxation of such motor transportation companies and for the enforcement of this Act and for punishment for violation thereof" approved June 19th, 1931.

Judiciary.

By Mr. Robertson (Cullman) (with notice and proof):

H. 447. To authorize and empower the Board of Finance and Control of Cullman County, Alabama, to assess for taxation and collect the ad valorem taxes and issue all licenses and distribute the tags on all motor vehicles in Cullman County, Alabama, and to transfer the duties from the Tax Assessor, Tax Collector and Probate Judge in said County to the Board of Finance and Control of all matters relative to the registration, assessment for taxes, and issuance of licenses and distribution of tags for motor vehicles; to provide for the issuing of such licenses by the Board of Finance and Control and to provide that the fees, costs and penalties shall be paid into the general funds of the county; to provide for the keeping of records of the issuing of licenses; to empower the Board of Finance and Control to employ clerks and assistants and to purchase the necessary equipment and supplies; to provide for the assessment of motor vehicles, to relieve the Probate Judge, Tax Assessor and Tax Collector of all duties imposed by law, as to assessment, collection and all other license duties, and vest such authority exclusively in the Board of Finance and Control; and to further define the duties of the Board of Finance and Control of Cullman County, Alabama.

Local Legislation No. One.

Notice and proof H. 447:

NOTICE

Notice is hereby given that a bill will be introduced at the special session of the Legislature of Alabama, convened on February 11th, or at any adjourned session thereof, to provide that the Board of Finance and Control of Cullman County, Alabama, shall exercise all powers and duties in regard to licenses, and the substance of which bill will be as set out below.

A BILL TO BE ENTITLED AN ACT

To authorize and empower the Board of Finance and Control of Cullman County, Alabama, to assess for taxation and collect the ad valorem taxes and issue all licenses and distribute the tags on all motor vehicles in Cullman County, Alabama, and to transfer the duties from the Tax Assessor, Tax Collector and Probate Judge in said County to the Board of Finance and Control of all matters relative to the registration, assessment for taxes, and issuance of licenses and distribution of tags for motor vehicles; to provide for the issuing of such licenses by the Board of Finance and Control and to

provide that the fees, costs and penalties shall be paid into the general funds of the county; to provide for the keeping of records of the issuing of licenses; to empower the Board of Finance and Control to employ clerks and assistants and to purchase the necessary equipment and supplies; to provide for the assessment of motor vehicles, to relieve the Probate Judge, Tax Assessor and Tax Collector of all duties imposed by law, as to assessment, collection and all other license duties, and vest such authority exclusively in the Board of Finance and Control; and to further define the duties of the Board of Finance and Control of Cullman County, Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That it shall be the duty of the Board of Finance and Control of Cullman County to collect and issue all licenses for exercising any right or privileges for which a license is required, marriage licenses, hunting licenses, chauffeur licenses, drivers' licenses, license for motor vehicles and any or all other licenses which are now or which may hereafter be required by law to be paid to the State of Alabama, and Cullman County, either or both.

Section 2. Before any person, firm or corporation shall engage in or carry on any business or do any act which a license by law is required, he, they or it, except as otherwise provided in this Act, shall pay to the Board of Finance and Control of Cullman County, in which it is proposed to engage in or carry on such business or do such act, the amount charged for such license as is required by law, and shall comply with all other requirements of this Act; and upon the payment of such amount and a fee of fifty cents for the issuance of such license, and all cost and fees and penalties which have accrued, or for which such person, firm or corporation shall have become liable in any proceeding commenced for the collection of such license, or to enforce payment thereof; and upon compliance with all other provisions of this Act by the applicant, such Board of Finance and Control shall issue a license countersigned by the Chairman of such board, in the form and on the blank to be furnished by the State of Alabama; which shall set forth and specify the things required by the State and County, and such things as have heretofore been required by law; and such license shall not be transferrable, nor shall it entitle the holder thereof to carry on any other business or do any other act than that named therein, nor at any other location than that therein specified. Provided, that in case it should become necessary to remove any business for which a license is required by this section, from one location to another location in the same city or town, and such business be continued as the same kind and character and by the same person or firm as that carried on at the former location, another license shall not be required for such business for the same license year.

Section 3. In all cases where the amount paid of capital invested or the value of the goods or stock or the amount of sales, or receipts or any other fact or condition heretofore recited, it shall be the duty of such person, firm or corporation to furnish the Board of Finance and Control a sworn statement of the amount of the capital invested, of the value of the goods or stock, or amount of sales or receipts, and to make under oath such further proof or affidavit as may be required by such Board of Finance and Control to determine the character and amount of the license.

Section 4. Upon the issuance of such license the Board of Finance and Control must, before detaching the license from the stub, fill out the blank space in the stub to correspond in all respects, with the license issued, and the same must be signed by the Chairman of such Board.

Section 5. The Board of Finance and Control shall keep in a book prepared for that purpose, an accurate account of all licenses received by them from the State Auditor, and of the disposition made of them, and of all money received from licenses issued by them, and make reports to the State Auditor within ten days after the expiration of the fiscal year, at which time

they shall return all supplies which have not been used, and such of the records as required by the State.

Section 6. That all fees, costs and penalties which are collected under this Act, and which are imposed by law, shall be collected by the Board of Finance and Control, and paid into and shall become a part of the general fund of the county.

Section 7. That the Board of Finance and Control shall have the authority and power to employ sufficient number of clerks and assistants to perform the duties herein imposed; and the Board shall also be and is hereby authorized and empowered to purchase the necessary equipment and supplies for the conduct of these duties.

Section 8. To prevent motor vehicles from escaping taxation and to provide for the more efficient assessment and collection of taxes due on same, on and after the first day of October, 1935, no license shall be issued to operate a motor vehicle on the public highways of this State, nor shall any transfer be made by the Board of Finance and Control as provided under this Act, until the ad valorem tax on such vehicle shall have been paid in the county for the preceding year, as evidenced by a receipt issued by the proper constituted authority where the owner of said vehicle resides, if the vehicle is owned by an individual; and if the vehicle is owned by a firm, corporation or association, then as evidenced by the receipt issued by the proper constituted authority in the county in which said motor vehicle is used or operated, provided that this section shall not apply to motor vehicles owned by dealers in the State, county and municipalities. On and after the first day of October, 1935, every person, firm or corporation of Cullman County, Alabama, who desires to operate a motor vehicle on the public highways of Alabama shall first return such motor vehicle for ad valorem taxation to the Board of Finance and Control, for the preceding tax year, and the Board of Finance and Control of said county shall deliver to such person who makes the return as herein required, a certificate of assessment on a form prescribed by the State Tax Commission, and such certificate shall be the warrant of the Board of Finance and Control to collect the tax as shown thereon.

(b) If any motor vehicle has already been returned for the fiscal year beginning October 1, 1935, and ending September 30, 1936, the Board of Finance and Control shall issue a certificate showing the valuation of such motor vehicle, and the Board of Finance and Control shall collect the taxes according to such valuation, and credit the same upon the abstract as part payment. (c) After the first day of October, 1935, motor vehicles within the meaning of this Act, shall not be included in any assessment made by any person, firm or corporation as of the first day of October, 1935, or subsequent years; and such motor vehicle shall not be considered as escaped property by reason of failure to include same in any tax return as of the first day of October, 1935, or any subsequent year, but shall be assessed as herein provided. (d) The Board of Finance and Control upon issuing a license for the operation of motor vehicles as herein provided shall make a duplicate of the tax receipt and keep same on file in their office. The license tag shall be evidence of the payment of the license and ad valorem tax due as provided under this Act. Valuation for ad valorem assessment shall be sixty (60) per cent of the fair and reasonable value of same. (e) Motor vehicles brought into this State after the first day of October, and before the Board of Finance and Control had completed its assessment, shall be subject to taxation the same as if it has been held or owned in the State from the first day of October. The Board of Finance and Control is authorized to issue a motor vehicle license where they ascertain and make a record of the facts that there is no ad valorem taxes due on said motor vehicle for the preceding year. (f) The Board of Finance and Control of said County, in addition to assessing and collecting ad valorem taxes due the state and county on motor vehicles, shall collect

the ad valorem tax on such motor vehicles due all cities and towns located in said county. The Board of Finance and Control shall report and pay over the money collected for said cities and towns at the same time and in the same manner as State and county taxes are reported and paid over by them. The Board of Finance and Control shall receive a commission of two and one-half per cent of the amount of city and town ad valorem taxes so collected by them and shall deduct said commission from the amount collected before paying the same over to the city or town, and this commission shall be paid into and shall become a part of the general fund of the county.

Section 9. The State Auditor is hereby required to furnish to such Board of Finance and Control all books, records and blanks now or hereafter required by law, to be furnished to the Probate Judge of the State in connection with the performance of their duties in the issuance or collection of licenses or privilege taxes.

Section 10. That all duties now required by law or which may hereafter be required by law or which may be hereafter required of the Probate Judges in this State with reference to the issuance of and collection of State, county and other licenses, be and they are hereby transferred from the Probate Judge of said County to the Board of Finance and Control, and such Board of Finance and Control shall be entitled to collect all fees, commissions, charges and allowances now or hereafter fixed by law for Probate Judges respecting the issuance and collection of licenses, and such fees, commissions, charges and allowances shall be paid into and shall become a part of the general fund of the county, and shall be liable to all the pains and penalties with reference to the collection of such licenses as are now imposed on the Probate Judges in this State, and the Probate Judge of said County is relieved from any and all duties, liabilities and responsibilities now imposed by law for the collection for licenses of said county.

Section 11. That all duties required by law or which may hereafter be required by law of tax assessors and tax collectors with reference to the assessment and collection of ad valorem taxes on automobiles are hereby transferred from the Tax Assessor and Tax Collector of said county, and all powers and duties relative thereto shall be performed and exercised by the Board of Finance and Control in said county, and such Board is hereby charged with each, any, all and every duty now required by law of Tax Assessors and Tax Collectors with reference to the assessment and collection of the ad valorem tax on automobiles, trucks, or other motor vehicles, and the Tax Assessor and Tax Collector of said county are hereby relieved of all duties and responsibilities in reference thereto.

Section 12. That the Board of Finance and Control shall receive for the assessing and collecting of State and county ad valorem tax on motor vehicles, the same fees charged and commission now fixed by law, or may be hereafter fixed by law, to be paid to the Tax Assessor and Tax Collector for the same services, which fees, charges and commissions shall be paid into and shall become a part of the general fund of the county.

Section 13. That whenever marriage license records are completed and no blank pages remain therein, such record shall be filed by the Board of Finance and Control with the Probate Judge of Cullman County, and the Probate Judge shall keep such marriage license records as other records are required to be kept by him. Upon receipt of such record or records by the Probate Judge, he shall give his receipt therefor, which receipt shall be filed in the office of the Board of Finance and Control.

Section 14. That upon the approval of this Act, the Probate Judge, the Tax Assessor and Tax Collector of Cullman County, Alabama, are hereby relieved of all duties imposed by law as to the assessment, collection and all other duties in regard to licenses; and all duties, authorities and powers to collect, assess and all other license duties imposed by law on the Probate Judge, Tax Assessor and Tax Collector of Cullman County, Alabama, are

hereby transferred to the Board of Finance and Control of Cullman County, with full authority, jurisdiction and power to perform all the duties heretofore required of said Judge of Probate, Tax Collector and Tax Assessor of Cullman County, Alabama, in regard to licenses.

Section 15. Should any section or part of this Act be declared unconstitutional, the other parts of the Act shall, nevertheless, remain in full force and effect, the legislature of Alabama hereby declaring that it would have passed such Act without such invalid part or parts.

Section 16. That all laws and parts of laws, local, general or special, in conflict with this Act be and the same are hereby repealed.

Section 17. That all provisions of this Act shall become effective immediately upon its passage and approval by the Governor.

12 mar-4

THE STATE OF ALABAMA }
CULLMAN COUNTY }

Before me Linnie Nix, a Notary Public in and for said County and State, personally appeared Maurice Norwood, Publisher of THE CULLMAN TRIBUNE, a weekly newspaper published in Cullman, Cullman County, Alabama, and being duly sworn, says that the notice of which the attached is a true copy, was published in said newspaper, once a week for 4 successive weeks and being in the issues of said newspaper of the following dates, viz: March 12, 19, 26, April 2, 1936.

MAURICE NORWOOD,
Publisher.

Sworn to and subscribed before me this the 4th day of April 1936.

(Seal)

LINNIE NIX,
Notary Public.

By Mr. Taylor:

H. 448. To amend section 4621 of the Code of Alabama, 1923, relating to sale, offering for sale, possessing, bartering or exchanging prohibited liquors and beverages.

Temperance.

By Mr. Hendley:

H. 449. To amend Sections 8540, 8542, 8543, 8544, 8545, 9546, 8550, 8552 and 8553, and to repeal Sections 8547, 8548, 8549 and 8551 of the Code of Alabama.

Ways and Means.

BILLS ON SECOND READING

Mr. Calhoun, Chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Sparks (Walker):

H. 412. To amend Section 10145 and Section 10153 of the Code of Alabama, 1923.

Mr. Glover, Chairman of the Standing Committee on Local Legislation No. One, reported that said committee, in session, had

acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. Livingston:

H. 434. To create the Cherokee County Centennial Commission, to prescribe its powers and duties, and to make an appropriation for the appropriate celebration under the direction of the commission, of the one hundredth anniversary of the creation of Cherokee County in Alabama.

By Mr. Hill (with notice and proof):

H. 435. To provide for the election of three school trustees for each school in Marion County, Alabama, and to prescribe their authority and duties.

Mr. Owen (Etowah), Chairman of the Standing Committee on Labor, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Stephens:

S. 126. To amend Section 18 of an Act approved September 14, 1935, and entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system and for other purposes"; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act."

Mr. Welch, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. McDermott:

H. 436. To authorize any County in the State of Alabama, subject to the limitations herein stated, to acquire by purchase, gift or the exercise of the power of eminent domain or to construct bridges, including causeways, approaches and other appropriate appurtenances over any stream, body of water in this State or from a point within the boundaries of this State to a point in an adjacent State, or between the main-land of this State and any island in this or an adjacent State and to maintain and operate such bridges, including causeways, approaches and other appurtenances, and to collect tolls, fees and charges for the use thereof, to authorize the issuance of bridge revenue bonds payable from the revenues derived from the operation of such bridges, including causeways, approaches and other appropriate appurtenances for the purpose of defraying the cost of the acquisition of such bridges, causeways, approaches and other appropriate appurtenances, providing for the payment of such bonds and rights and remedies of the holders thereof and for the conditions and other provisions under which such bonds may be issued, and to authorize the fixing and collection of rates, fees, rents, tolls and other charges for the services rendered by such bridges, causeways, approaches and other appropriate appurtenances, declaring the public use of such bridges, including causeways, approaches and other appropriate appurtenances to be a paramount and superior public use, providing for the freeing of such bridges, making such bridges exempt from the operation of Act No. 219, General Laws of Alabama, approved July 10, 1935, and Act No. 366, General Laws of Alabama, approved September 7, 1935, and authorizing the acquiring of property in connection with any such bridges, including causeways, approaches or other appropriate appurtenances by purchase or eminent domain.

Mr. Harrison, Chairman of the Standing Committee on Ways and Means, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Simpson:

S. 139. To amend Schedule 158.15 of Article 13 Chapter 6 of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Mr. Robertson (Cullman), Chairman of the Standing Committee on Municipal Organizations, reported that said committee, in

session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Swift:

S. 84. To authorize the employment in their discretion by municipalities in Alabama having a population of not less than twenty-five hundred and not more than fifteen thousand, according to the last or any succeeding Federal census, of a City Manager; and to provide for the authority, duties, liabilities and penalties, the term of office and the compensation of City Managers so employed.

The above and foregoing bills were severally read a second time and placed on the Calendar.

RESOLUTION

Mr. Merrill offered the following resolution:

By Mr. Merrill:

H. R. 62. Whereas Honorable John T. Heflin, the gentleman from Randolph, was seriously injured in an automobile accident five weeks ago today, and whereas the injuries received by him were of such a critical nature that it has been necessary for him to absent himself from the sessions of the Legislature since that date, and whereas he has sufficiently recovered his health and strength to be present with us again today, therefore be it resolved by the House of Representatives that we make known to Judge Heflin our pleasure at having him back with us again. Be it further resolved that the House express its pleasure by adopting this resolution by a rising vote.

On motion of Mr. Merrill the rules were suspended and the resolution was adopted by rising vote of the House.

REPORT OF STANDING COMMITTEE ON ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Enrolled Bills reports that it has examined the following House bills, and finds same correctly enrolled, to-wit:

H. 99. To amend Schedule 158.5 of Chapter 6, Article 13, of an act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

Also:

H. 103. To amend Section 3238 of the Code of Alabama of 1923 as amended by Acts of 1927, page 76, approved June 16, 1927 relating to appeals in habeas corpus cases.

Also:

H. 122. To amend Section 9017 of the Code of Alabama of 1923.

Also:

H. 137. To amend Section 360 of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935 and known as House bill 324.

Also:

H. 158. To Amend Section 276 of an Act entitled "an act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

Also:

H. 241. To create and establish a Board of Finance and Control in and for Cullman County, Alabama, to be composed of five members, one of whom shall be Chairman of said Board; to fix the qualifications of the Chairman and other members of the said Board; to abolish the Court of County Commissioners of Cullman County, Alabama; to designate the manner of constituting, selecting and appointing the first Board to hold office hereunder, and providing for the appointment of the first Chairman of the said Board by the Governor; to fix the term of office of the first Board holding office hereunder, and their successors in office; to provide for filling vacancies therein, to require the members elected, chosen or appointed hereunder to take the oath of office and give bond; to define the powers and duties of the said Board; to fix the compensation of the members hereof; to confer upon said Board all the jurisdiction, powers and authority that is now or may hereafter be granted by law to Courts of County Commissioners, Boards of Revenue, or other governing bodies of like name and authority in this state; to require the said Board of Finance and Control to employ a Clerk and a Supervisor of Roads and Bridges for the county, and to fix the duties, qualifications and compensations of such Clerk and Supervisor of Roads and Bridges, providing the manner of their payment, and to repeal all laws and parts of laws in conflict with the provisions of this Act; particularly and expressly repealing any and all laws constituting the Judge of Probate as principal judge and member of the Court of County Commissioners, granting judicial power, requiring reports from courts of said county, providing meeting place and time of meeting of said Board.

To provide for the election of all members of said Board at the expiration of the term of office of the first Board constituted hereunder.

Dan Gullett Cook,
Chairman.

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following bills and sends same herewith to the House with engrossment:

By Mr. Simpson:

S. 155. To amend an Act to establish a more humane system for caring for the needy aged in the State of Alabama and the several counties thereof by providing for old age pensions; to define the persons entitled thereto, and to provide for the ascertainment and determination of the qualifications of applicants therefor; to further provide for and regulate the payment of pensions under Article 1 of Chapter 55 of the Code of Alabama of 1923, as amended; to provide for the payment thereof; to make an appropriation for the same; to provide for a lien on the property of certain recipients of old age pensions and to provide for the enforcement thereof, to provide for the administration of such system and to define offenses against this Act and to fix punishment for such offenses; and to provide for cooperation with the Government of the United States and its agencies in caring for the needy aged; and to repeal all laws in conflict herewith.

Also:

By Mr. McDowell:

S. 134. To amend Section 793, of the Code of Alabama, 1923.

Also:

By Mr. McDowell:

S. 135. To amend Section 798, of the Code of Alabama, 1923.

Also:

By Mr. McDowell:

S. 136. To amend Section 10342 of the Code of Alabama, 1923.

Also:

By Mr. Walden:

S. 169. To regulate the use of proceeds of State gasoline taxes by counties, to fix penalties for violation of this Act, and to repeal all laws in conflict herewith.

Also:

By Mr. Mooneyham:

S. 170. To provide for service of notice by tax collector on resident taxpayers when personal service or service by registered mail cannot be perfected as now provided by law.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate standing committees as follows:

Judiciary—S. 155, S. 134, S. 135, S. 136, S. 170.

Ways and Means—S. 169.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown, and, as amended, has passed the following House bills, and returns same herewith to the House:

H. 353. To create in all cities in the State of Alabama, having a population of not less than fifty thousand and not more than sixty-seven thousand five hundred, according to the last or any subsequent Federal census, special funds to be known as "Policemen's And City Employees' Pension And Relief Funds;" to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the Police and all other City Departments except the Fire Department in said cities; to provide for the creation of such funds and for appropriations to make up deficit therein, and how such funds shall be raised or acquired; to provide who shall hear and decide applications for pensions and relief and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the Police and other City Departments except the Fire Department in said cities during their disability, and for the retirement of such members on pension, either by reason of termination of office or disability; to provide for the pensioning of members of such Police and other City Departments except Fire Department

after service therein; to provide for the appropriation for funeral expenses upon the death of such member, to provide for the examination by proper authorities of such members in case of sickness or disability; to provide that members receiving benefits shall be bona fide residents of the County in which the pension is paid; to provide for gifts, donations, legacies, or otherwise, to be made to such funds, and for the appointment of trustees and a Board of Pensions for all purposes in connection herewith; to provide penalties for violations of the provisions of this Act; to provide when this Act shall take effect; and to provide that any section or provision of this Act being held unconstitutional shall not affect the validity of any other section or provision.

Also:

H. 187. To provide funds for the maintenance and operation of the Mobile County Department of Public Welfare; to repeal all laws in conflict herewith and to fix the time when this act shall become effective.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Goodwyn the House concurred in and adopted the Senate amendment to the bill, H. 353, said Senate amendment being as follows:

Amend the caption of House bill 353 by striking therefrom the following: "to provide for the appropriation for funeral expenses upon the death of such member"

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker
Adams
Arnold
Austin
Bateman
Blann
Braswell
Bridges
Britton
Bulger
Burleson
Byars
Calhoun
Carter
Chichester
Connor
Cook

Cox
Davis
Delony
De Vane
Doster
Douglass
Glover
Goodwyn
Haley
Hall
Hanks
Hare
Heflin
Henson
Hill
Hodges
Hollis

Jones
Langdon
Long
Lusk
Miles
Miller
Moore
McDermott
McPhaul
O'Neal
Petrey
Poole
Propst
Quarles
Reeder
Reid

Reynolds
Sanderson
Shaver
Sightler
Spence
Staples
Street
Taylor
Tidmore
Todd
Tolbert
Toomer
Wallace
Welch
Williams
Wright

On motion of Mr. McDermott the House concurred in and adopted the Senate amendment to the bill, H. 187, said Senate amendment being as follows:

Substitute for House bill 187:

A BILL

To be entitled An Act to authorize the Board of Revenue and Road Commissioners or other governing body of Mobile County to provide funds for the maintenance and operation of the Mobile County Department of Public Welfare; to repeal all laws in conflict herewith and to fix the time when this act shall become effective, and to provide that this act shall not be in force and effect after February 15th, 1939.

Be it enacted by the Legislature of Alabama:

Section 1. The Board of Revenue and Road Commissioners or other governing body of Mobile County, may, in its discretion, pay out of the general fund of Mobile County to the Mobile County Department of Public Welfare such sums of money as shall be reasonably necessary to pay said County's prorata share for the maintenance and operation of said Department but which sum in any fiscal year shall not exceed a total of \$18,000.00. The amount to be appropriated each year shall be determined by the Board of Revenue and Road Commissioners, or like governing body, of Mobile County under the foregoing directions.

Section 2. Not more than twenty-five per cent of the appropriation provided for in Section One of this act shall be expended in administering the fund or funds which may be so appropriated, or in administering any other fund which may be given or appropriated to the Mobile County Department of Public Welfare by any individual, government or governmental agency.

Section 3. This law shall become effective immediately upon its passage and approval by the Governor and shall remain in force and effect until the fifteenth day of February, 1939.

Section 4. All laws and parts of laws in conflict herewith are hereby expressly repealed.

Section 5. If any section or provision of this act is held invalid because of its unconstitutionality, the other sections or portions of this act shall not be affected.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker
Adams
Arnold
Austin
Bateman

Blann
Braswell
Bridges
Britton
Bulger

Burleson
Byars
Calhoun
Carter
Chichester

Connor
Cook
Cox
Davis
Delony

De Vane	Hodges	Petrey	Staples
Doster	Hollis	Poole	Street
Douglass	Jones	Propst	Taylor
Glover	Langdon	Quarles	Tidmore
Goodwyn	Long	Reeder	Todd
Haley	Lusk	Reid	Tolbert
Hall	Miles	Reynolds	Toomer
Hanks	Miller	Sanderson	Wallace
Hare	Moore	Shaver	Welch
Heflin	McDermott	Sightler	Williams
Henson	McPhaul	Spence	Wright
Hill	O'Neal		

—66—

RESOLUTIONS

The following resolutions were offered:

By Mr. Hanks:

H. R. 6. WHEREAS, Senate Resolution No. 48 is proposed to the House of Representative requesting the House to send the Senate a revenue bill, and

WHEREAS, the House has heretofore provided the Senate with House bill No. 180, a revenue measure estimated to raise Two and One Quarter Million Dollars, and

WHEREAS, fourteen loyal Senators have proposed to the Legislature certain economy measures designed to save an additional Three Million Dollars.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE that the Senate of Alabama be requested to adopt the proposed economies and send them forthwith to the House for completion, and

BE IT FURTHER RESOLVED that the two bodies refuse to adjourn sine die until the above referred to measures have been adopted unless the thirtieth legislative day is reached prior to such action.

By Mr. Matthews:

H. R. 64. Resolved that H. B. No. 264 be made a special order for the 24th Legislative day.

By Mr. Connor:

H. R. 65. WHEREAS, according to the general rumors and statements in the press very few matters of general importance have been enacted into law at the present session of the legislature; comments, both written and spoken, have been made about the so-called inaction of the House of Representatives; the Senate has passed a resolution requesting this House to pass some bill with a general revenue title, so that the Senate might change it to suit the views of some of the Senate;

RESOLVED that the House of Representatives resents any statements to the effect that it has been inactive; on the contrary it is the general belief all over Alabama that the present house has done more for the masses of the people of Alabama than any other House in the history of the State, since the days of George S. Houston;

RESOLVED further that the Senate of Alabama is now memorialized by the House of Representatives to take immediate action on the Harrison bill No. H. B. 180 to submit a referendum, without additional expense to the tax payers, on the question of whether liquor, wine and beer should continue to be exempt from State taxation; that, according to the estimates of reliable authorities, the liquor business in Alabama today amounts to more than ten million dollars, and that it is the only business that is prospering, illegal and untaxed. That it is a matter of general and common knowledge that liquor may be bought in every township in Alabama and in every school district; and that while the legitimate businesses are suffering from taxation this illegitimate business goes scot free.

RESOLVED further that the Senate be requested to wake up and not let this liquor tax question be postponed any further, and that we either get the taxes on liquor, wine and beer, or admit that we prefer illegality to legality and that we prefer the ostrich to the eagle as our national bird.

RESOLVED further that both houses remain in session until the Senate will do its duty and consider H. B. No. 180.

By Mr. Connor:

H. J. R. 66. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE concurring, that due to the pendency of certain important legislation, it is desirable to declare the policy of the Legislature with respect to adjournment in advance of the actual adjournment date, and

WHEREAS, the work of the Standing Committees has already in the main, been completed, therefore,

BE IT RESOLVED, subject to exigencies arising from presently unforeseen contingencies, that it be declared to be the purpose of the Legislature to meet in legislative session, in addition to today, on Wednesday, Thursday and Friday of the present week, and that it complete its work and adjourn finally on Friday of this week.

By Mr. Williams:

H. J. R. 67. WHEREAS, public schools throughout the State are closing because of insufficient revenue for continued operation, and

WHEREAS, for time immemorial it has been the policy of chief officers of the state to inaugurate financial plans for the consideration of the Legislature to make possible the operation of the schools of the State, and

WHEREAS, the chief planks in the platform of Governor Bibb Graves had to do with finances, economical administration of the State government, with specific pledges for "full term schools", "No Sales Tax and No Tax Sales", and

WHEREAS, last year when the Clarke County Board of Education, after exhausting every effort to operate the schools of that county without funds, ordered them closed until such funds were forthcoming, the Governor of this State, issued an executive order as follows:

"STATE OF ALABAMA,

Feb. 9, 1935, 4:30 P.M.

TO THE PRINCIPALS AND TEACHERS OF CLARKE
COUNTY SCHOOLS:

By order of the Governor of the State of Alabama: Open your schools Monday morning, February 11, 1935. You will be paid. This is an executive order from the Governor of the State of Alabama. Do not permit any one to interfere with this the order of the Governor.

Bibb Graves,
Governor of the State of Alabama,
By Coma Garrett, Jr.," and,

WHEREAS, as an act of retribution, the County Board of Education of Clarke County, which body resisted the above order as autocracy and despotism, was abolished by a measure having the full endorsement and support of Governor Graves and Dr. J. A. Keller, State Superintendent of Education, and a School Commission appointed by the Governor was substituted in lieu of the duly and legally elected County Board of Education, and

WHEREAS, it now appears that County Boards of Education throughout the State are ordering schools closed for the same reason that actuated the County Board of Education in Clarke County last year for the same action, namely, lack of financial support, and

WHEREAS, to date, the Governor of Alabama has failed to outline financial policies for the operation of the educational institutions of the State, and is also failing to pursue the tactics used in Clarke County last year for the operation of that county's schools in the other counties which are closing their schools, now,

THEREFORE BE IT RESOLVED, by this House, the Senate concurring, that the Governor is hereby authorized and directed to serve official notice, backed up with "executive orders" on the various County Boards of this state whose schools are closed or closing to immediately and forthwith open their schools,

BE IT FURTHER RESOLVED, that in the event such County Boards of Education fail or refuse to follow such "executive orders" that the Governor cause to be prepared and introduced into this House a General Bill having for its purpose the abolishment of all County Boards of Education in the various counties of this state, in keeping with the penalty meted out to the Board of Education of Clarke County,

BE IT STILL FURTHER RESOLVED, that in the event the Governor fails or refuses to heed this resolution he stands condemned before this House as being inconsistent, dictatorial and un-Democratic.

By Mr. Todd:

H. R. 68. Be it resolved that Senate bill No. 42 be made a special, continuing and paramount order of business for the next legislative day.

The resolutions were referred to the Standing Committee on Rules.

BILLS ON THIRD READING

H. 327. To amend Section 10 of an Act entitled "An Act to further provide for freeing Alabama highways of all toll bridges, through a corporation to be composed of the President of the State Board of Administration, the State Comptroller and the Chairman of the State Highway Commission, whose incorporation is authorized and to prescribe the power and authority of such corporation and provide it with funds necessary to enable it to accomplish the purpose of its creation," approved September 7, 1935.

Was taken up. The question was on the adoption of the substitute reported by the Standing Committee on Judiciary, said substitute being as follows:

Substitute for H. 327:

A BILL

To be entitled An Act to amend Section 10 of an Act entitled "An Act to further provide for freeing Alabama highways of all toll bridges, through a corporation to be composed of the President of the State Board of Administration, the State Comptroller and the Chairman of the State Highway Commission, whose in-

corporation is authorized and to prescribe the power and authority of such corporation and provide it with funds necessary to enable it to accomplish the purpose of its creation," approved September 7, 1935.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 10 of an Act entitled "An Act to further provide for freeing Alabama highways of all toll bridges, through a corporation to be composed of the President of the State Board of Administration, the State Comptroller and the Chairman of the State Highway Commission, whose incorporation is authorized and to prescribe the power and authority of such corporation and provide it with funds necessary to enable it to accomplish the purpose of its creation," approved September 7, 1935, be and the same is hereby amended to read as follows: Section 10. The corporation shall be authorized and it shall be its duty to take such steps as may be necessary to free the highways in Alabama of toll bridges within the limitations imposed upon it by this Act. Any bridge acquired by said corporation by purchase, condemnation or otherwise shall be forthwith conveyed to the State of Alabama: Provided, however, that the provisions of this Act and the powers by this Act granted shall not apply to bridges leased, purchased, constructed or reconstructed under the provisions of Act No. 44, H. B. 132, approved February 7, 1935, as amended by Act No. 181, H. B. 251, approved July 8, 1935. Whenever the corporation shall institute a condemnation proceeding, the Attorney General and Circuit Solicitor in each case shall act as attorney for the corporation without additional compensation.

Section 2. This Act shall be effective immediately upon its passage and approval.

And the substitute was adopted.

Yeas, 74; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Denson	Langdon	Quarles
Adams	Dominick	Lee (Monroe)	Rayburn
Arnold	Doster	Livingston	Reeder
Austin	Douglass	Lusk	Reid
Bateman	Goodwyn	Matthews	Reynolds
Bridges	Hamner	Merrill	Robertson (Cullman)
Britton	Hanks	Miles	Robinson (Lowndes)
Bulger	Harrison	Miller	Sanderson
Burleson	Heflin	McDermott	Sanford
Byars	Henson	McPhaul	Shaver
Calhoun	Hill	Norman (Lowndes)	Sightler
Castleberry	Hodges	O'Neal	Sparks (Barbour)
Chichester	Hollis	Owen (Etowah)	Sparks (Walker)
Cook	Jones	Owens (Madison)	Spence
Davis	Kelly	Parish (Henry)	Staples
Delony	Kirby	Parish (Pike)	Steele

Street	Todd	Waldrep	Williams
Taylor	Tompkins	Welch	Wright
Tidmore	Toomer		

—74

And the bill:

H. 327. To amend Section 10 of an Act entitled "An Act to further provide for freeing Alabama highways of all toll bridges, through a corporation to be composed of the President of the State Board of Administration, the State Comptroller and the Chairman of the State Highway Commission, whose incorporation is authorized and to prescribe the power and authority of such corporation and provide it with funds necessary to enable it to accomplish the purpose of its creation," approved September 7, 1935.

As amended by the substitute, was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 74; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Douglass	Miles	Sanford
Adams	Goodwyn	Miller	Shaver
Arnold	Hamner	McDermott	Sightler
Austin	Hanks	McPhaul	Sparks (Barbour)
Bateman	Harrison	Norman (Lowndes)	Sparks (Walker)
Bridges	Heflin	O'Neal	Spence
Britton	Henson	Owen (Etowah)	Staples
Bulger	Hill	Owens (Madison)	Steele
Burleson	Hodges	Parish (Henry)	Street
Byars	Hollis	Parish (Pike)	Taylor
Calhoun	Jones	Quarles	Tidmore
Castleberry	Kelly	Rayburn	Todd
Chichester	Kirby	Reeder	Tompkins
Cook	Langdon	Reid	Toomer
Davis	Lee (Monroe)	Reynolds	Waldrep
Delony	Livingston	Robertson (Cullman)	Welch
Denson	Lusk	Robinson (Lowndes)	Williams
Dominick	Matthews	Sanderson	Wright
Doster	Merrill		

—74

On motion of Mr. Jones the bill, H. 327 was ordered sent forthwith to the Senate without engrossment.

H. 329. To amend Section 4 of an Act entitled "An Act to authorize the creation and incorporation of a Commission, providing for its powers and duties authorizing it to lease or purchase construct and reconstruct Highway Bridges, approaches and appurtenances thereto, across any river in the State of Alabama or across any body of water separating the mainland of the State of Alabama from any island forming a part of the State of Alabama, to maintain and operate said bridges, approaches and appurtenances thereto, and charge tolls thereon, and to issue bonds; providing for the payment of such bonds and providing for the rights and remedies of bondholders," approved February 7, 1935, as amended by an Act entitled "An Act to amend Section 2 of an Act

entitled 'An Act to authorize the creation and incorporation of a Commission, providing for its powers and duties, authorizing it to lease or purchase, construct and reconstruct Highway Bridges, approaches and appurtenances thereto, across any river in the State of Alabama or across any body of water separating the mainland of the State of Alabama from any island forming a part of the State of Alabama, to maintain and operate said bridges, approaches and appurtenances thereto, and charge tolls thereon, and to issue bonds; providing for the payment of such bonds and providing for the rights and remedies of bondholders' approved February 7, 1935," approved July 8, 1935.

Was taken up. The question was on the adoption of the substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

Substitute for H. 329:

A BILL

To be entitled An Act to amend Sections 4, 8, and 11 of an Act entitled "An Act to authorize the creation and incorporation of a Commission, providing for its powers and duties, authorizing it to lease or purchase construct and reconstruct Highway Bridges, approaches and appurtenances thereto, across any river in the State of Alabama or across any body of water separating the main land of the State of Alabama from any island forming a part of the State of Alabama, to maintain and operate said bridges, approaches and appurtenances thereto, and charge tolls thereon, and to issue bonds; providing for the payment of such bonds and providing for the rights and remedies of bondholders," approved February 7, 1935, as amended by an Act entitled "An Act to amend Section 2 of an Act entitled 'An Act to authorize the creation and incorporation of a Commission, providing for its powers and duties, authorizing it to lease or purchase, construct and reconstruct Highway Bridges, approaches and appurtenances thereto, across any river in the State of Alabama or across any body of water separating the mainland of the State of Alabama from any island forming a part of the State of Alabama, to maintain and operate said bridges, approaches and appurtenances thereto, and charge tolls thereon, and to issue bonds; providing for the payment of such bonds and providing for the rights and remedies of bondholders' approved February 7, 1935," approved July 8, 1935.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 4 of an Act entitled "An Act to authorize the creation and incorporation of a Commission, providing for its powers and duties, authorizing it to lease or purchase con-

struct and reconstruct Highway Bridges, approaches and appurtenances thereto, across any river in the State of Alabama or across any body of water separating the mainland of the State of Alabama from any island forming a part of the State of Alabama, to maintain and operate said bridges, approaches and appurtenances thereto, and charge tolls thereon, and to issue bonds; providing for the payment of such bonds and providing for the rights and remedies of bondholders," approved February 7, 1935, as amended by an Act entitled "An Act to amend Section 2 of an Act entitled 'An Act to authorize the creation and incorporation of a Commission, providing for its powers and duties, authorizing it to lease or purchase, construct and reconstruct Highway Bridges, approaches and appurtenances thereto, across any river in the State of Alabama from any island forming a part of the State of Alabama, to maintain and operate said bridges, approaches and appurtenances thereto, and charge tolls thereon, and to issue bonds; providing for the payment of such bonds and providing for the rights and remedies of bondholders' approved February 7, 1935," approved July 8, 1935, be and the same hereby is amended to read as follows: Section 4. Form and Contents of Bonds. The principal of and interest on bonds herein authorized to be issued by the Commission shall be payable solely from the revenue to be derived from the tolls levied and collected in connection with the operation of the project for which such bonds have been issued, and shall not constitute an indebtedness of the State or any municipality, county or political subdivision of the State within the meaning of any constitutional or statutory provision of the laws of the State. Said bonds shall be issued in the name of the corporation and shall have impressed thereon its corporate seal. The bonds shall express upon their face the particular project for which they are being issued, and there shall be a separate issue of bonds for each project undertaken by the Commission as authorized by this Act. Said bonds shall be authorized by resolution of such Commission and shall bear such date or dates, mature at such time or times, not exceeding forty years from their respective dates, bear interest at such a rate or rates, not exceeding six per centum per annum, payable semiannually, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be subject to such terms of redemption, with or without a premium, be executed in such manner, be payable in such medium of payment and at such place or places, as such resolution or resolutions may provide. It shall be plainly stated on the face of each bond that the same has been issued under the provisions of this Act and that the bond and interest thereon does not constitute an indebtedness of the State or any municipality, county or political

subdivision of the State within the meaning of any constitutional or statutory provision of the laws of the State. Such bonds may be sold at public or private sale for such price or prices as said Commission shall determine, provided that the interest cost to maturity or maturities of the bonds shall not exceed six per centum per annum. Said bonds are hereby declared to be negotiable instruments.

Section 2. That Section 8 of an Act entitled "An Act to authorize the creation and incorporation of a Commission, providing for its powers and duties, authorizing it to lease or purchase construct and reconstruct Highway Bridges, approaches and appurtenances thereto, across any river in the State of Alabama or across any body of water separating the mainland of the State of Alabama from any island forming a part of the State of Alabama, to maintain and operate said bridges, approaches and appurtenances thereto, and charge tolls thereon, and to issue bonds; providing for the payment of such bonds and providing for the rights and remedies of bondholders," approved February 7, 1935, as amended by an Act entitled "An Act to amend Section 2 of an Act entitled 'An Act to authorize the creation and incorporation of a Commission, providing for its powers and duties, authorizing it to lease or purchase, construct and reconstruct Highway Bridges, approaches and appurtenances thereto, across any river in the State of Alabama or across any body of water separating the mainland of the State of Alabama from any island forming a part of the State of Alabama, to maintain and operate said bridges, approaches and appurtenances thereto, and charge tolls thereon, and to issue bonds; providing for the payment of such bonds and providing for the rights and remedies of bondholders' approved February 7, 1935," approved July 8, 1935, be and the same hereby is amended to read as follows: Section 8. Bonds and Projects exempt from taxation, assessments and fees. The bonds and interest coupons issued under the provisions of this Act are exempted from any and all State, County, Municipal and other taxation whatsoever under the laws of the State of Alabama, and the projects herein authorized shall, so long as any bonds are outstanding payable from the revenues thereof, be exempted from taxation, assessment or liability for fees and charges of any nature levied by the State of Alabama, any county therein, any municipal corporation or other public body thereof.

Section 3. That Section 11 of an Act entitled "An Act to authorize the creation and incorporation of a Commission, providing for its powers and duties, authorizing it to lease or purchase construct and reconstruct Highway Bridges, approaches and appurtenances thereto, across any river in the State of Alabama or across

any body of water separating the main land of the State of Alabama from any island forming a part of the State of Alabama, to maintain and operate said bridges, approaches and appurtenances thereto, and charge tolls thereon, and to issue bonds; providing for the payment of such bonds and providing for the rights and remedies of bondholders," approved February 7, 1935, as amended by an Act entitled "An Act to amend Section 2 of an Act entitled 'An Act to authorize the creation and incorporation of a Commission, providing for its powers and duties, authorizing it to lease or purchase, construct and reconstruct Highway Bridges, approaches and appurtenances thereto, across any river in the State of Alabama or across any body of water separating the mainland of the State of Alabama from any island forming a part of the State of Alabama, to maintain and operate said bridges, approaches and appurtenances thereto, and charge tolls thereon, and to issue bonds; providing for the payment of such bonds and providing for the rights and remedies of bondholders' approved February 7, 1935," approved July 8, 1935, be and the same hereby is amended to read as follows: Section 11. Construction of Act—Severability. This Act shall be construed as cumulative authority for the purposes named herein, and as to the manner and form of issuing revenue bonds for any such purpose or purposes, and shall not be construed to repeal any existing laws with respect thereto, it being the purpose and intention of this Act to create an additional alternative method for the purpose herein named. As to any bridges leased, purchased, constructed or reconstructed under the provisions of this Act, none of the provisions of Act No. 219, S. B. 81, approved July 10, 1935, or of Act No. 264, S. B. 326, approved August 26, 1935, or of Act No. 366, H. B. 876, approved September 7, 1935, shall apply. In the event that any provision or section of this Act shall be found or declared to be in conflict with the provisions of the Constitution of Alabama, the remainder of this Act shall nevertheless be valid, and effective, each part and provision hereof being hereby expressly declared to be separate and independent of any other part.

Section 4. This Act shall be effective upon its passage and approval.

The substitute was adopted.

Yeas, 74; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker

Adams

Arnold

Austin

Bateman

Britton

Bridges

Bulger

Burleson

Byars

Calhoun

Castleberry

Chichester

Cook

Davis

Delony

Denson

Dominick

Doster

Douglass

Goodwyn	Livingston	Quarles	Spence
Hamner	Lusk	Rayburn	Staples
Hanks	Matthews	Reeder	Steele
Harrison	Merrill	Reid	Street
Heflin	Miles	Reynolds	Taylor
Henson	Miller	Robertson (Cullman)	Tidmore
Hill	McDermott	Robinson (Lowndes)	Todd
Hodges	McPhaul	Sanderson	Tompkins
Hollis	Norman (Lowndes)	Sanford	Toomer
Jones	O'Neal	Shaver	Waldrep
Kelly	Owen (Etowah)	Sightler	Welch
Kirby	Owens (Madison)	Sparks (Barbour)	Williams
Langdon	Parish (Henry)	Sparks (Walker)	Wright
Lee (Monroe)	Parish (Pike)		

—74

And the bill:

H. 329. To amend Section 4 of an Act entitled "An Act to authorize the creation and incorporation of a Commission, providing for its powers and duties authorizing it to lease or purchase construct and reconstruct Highway Bridges, approaches and appurtenances thereto, across any river in the State of Alabama or across any body of water separating the mainland of the State of Alabama from any island forming a part of the State of Alabama, to maintain and operate said bridges, approaches and appurtenances thereto, and charge tolls thereon, and to issue bonds; providing for the payment of such bonds and providing for the rights and remedies of bondholders," approved February 7, 1935, as amended by an Act entitled "An Act to amend Section 2 of an Act entitled 'An Act to authorize the creation and incorporation of a Commission, providing for its powers and duties, authorizing it to lease or purchase, construct and reconstruct Highway Bridges, approaches and appurtenances thereto, across any river in the State of Alabama or across any body of water separating the mainland of the State of Alabama from any island forming a part of the State of Alabama, to maintain and operate said bridges, approaches and appurtenances thereto, and charge tolls thereon, and to issue bonds; providing for the payment of such bonds and providing for the rights and remedies of bondholders' approved February 7, 1935," approved July 8, 1935.

As amended by the substitute, was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 74; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker

Adams

Arnold

Austin

Bateman

Bridges

Britton

Bulger

Burleson

Byars

Calhoun

Castleberry

Chichester

Cook

Davis

Delony

Denson

Dominick

Doster

Douglass

Goodwyn	Livingston	Quarles	Spence
Hamner	Lusk	Rayburn	Staples
Hanks	Matthews	Reeder	Steele
Harrison	Merrill	Reid	Street
Heflin	Miles	Reynolds	Taylor
Henson	Miller	Robertson (Cullman)	Tidmore
Hill	McDermott	Robinson (Lowndes)	Todd
Hodges	McPhaul	Sanderson	Tompkins
Hollis	Norman (Lowndes)	Sanford	Toomer
Jones	O'Neal	Shaver	Waldrep
Kelly	Owen (Etowah)	Sightler	Welch
Kirby	Owens (Madison)	Sparks (Barbour)	Williams
Langdon	Parish (Henry)	Sparks (Walker)	Wright
Lee (Monroe)	Parish (Pike)		

—74

On motion of Mr. Reeder the bill, H. 329, was ordered sent forthwith to the Senate without engrossment.

H. 330. To amend Section 1 of an Act entitled "An Act to declare all toll bridges and toll ferries connected with or forming a part of any State or County public highway in the State of Alabama to be public utilities; to impose upon such toll bridges and toll ferries all the public obligations and to give them all the rights and privileges applying to other public utilities under the provisions of the Alabama Public Utility Act of 1920; and to make such toll bridges and toll ferries subject to regulation by the Public Service Commission in like manner as other public utilities are subject to regulation by said Commission under said Act," approved August 26, 1935.

Was taken up. The question was on the adoption of the substitute reported by the Standing Committee on Judiciary, said substitute being as follows:

Substitute for H. 330:

A BILL

To be entitled An Act to amend Section 1 of an Act entitled "An Act to declare all toll bridges and toll ferries connected with or forming a part of any State or County public highway in the State of Alabama to be public utilities; to impose upon such toll bridges and toll ferries all the public obligations and to give them all the rights and privileges applying to other public utilities under the provisions of the Alabama Public Utility Act of 1920; and to make such toll bridges and toll ferries subject to regulation by the Public Service Commission in like manner as other public utilities are subject to regulation by said Commission under said Act," approved August 26, 1935.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 1 of an Act entitled "An Act to declare all toll bridges and toll ferries connected with or forming a

part of any State or County public highway in the State of Alabama to be public utilities; to impose upon such toll bridges and toll ferries all the public obligations and to give them all the rights and privileges applying to other public utilities under the provisions of the Alabama Public Utility Act of 1920; and to make such toll bridges and toll ferries subject to regulation by the Public Service Commission in like manner as other public utilities are subject to regulation by said Commission under said Act," approved August 26, 1935, be amended so that the same shall read as follows: Section 1. All toll bridges and toll ferries, connected with or forming a part of any State or County public highway in this State, are declared to be public utilities: Provided, however, that nothing in this Act shall apply to bridges leased, purchased, constructed or reconstructed under the provisions of Act No. 44, approved February 7, 1935, as amended by Act No. 181, H. B. 251, approved July 8, 1935.

Section 2. This Act shall be effective immediately upon its passage and approval.

And the substitute was adopted.

Yeas, 74; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Douglass	Miles	Sanford
Adams	Goodwyn	Miller	Shaver
Arnold	Hamner	McDermott	Sightler
Austin	Hanks	McPhaul	Sparks (Barbour)
Bateman	Harrison	Norman (Lowndes)	Sparks (Walker)
Bridges	Heflin	O'Neal	Spence
Britton	Henson	Owen (Etowah)	Staples
Bulger	Hill	Owens (Madison)	Steele
Burleson	Hodges	Parish (Henry)	Street
Byars	Hollis	Parish (Pike)	Taylor
Calhoun	Jones	Quarles	Tidmore
Castleberry	Kelly	Rayburn	Todd
Chichester	Kirby	Reeder	Tompkins
Cook	Langdon	Reid	Toomer
Davis	Lee (Monroe)	Reynolds	Waldrep
Delony	Livingston	Robertson (Cullman)	Welch
Denson	Lusk	Robinson (Lowndes)	Williams
Dominick	Matthews	Sanderson	Wright
Doster	Merrill		

—74

And the bill:

H. 330. To amend Section 1 of an Act entitled "An Act to declare all toll bridges and toll ferries connected with or forming a part of any State or County public highway in the State of Alabama to be public utilities; to impose upon such toll bridges and toll ferries all the public obligations and to give them all the rights and privileges applying to other public utilities under the provi-

sions of the Alabama Public Utility Act of 1920; and to make such toll bridges and toll ferries subject to regulation by the Public Service Commission in like manner as other public utilities are subject to regulation by said Commission under said Act," approved August 26, 1935.

As amended by the substitute, was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 74; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Douglass	Miles	Sanford
Adams	Goodwyn	Miller	Shaver
Arnold	Hamner	McDermott	Sightler
Austin	Hanks	McPhaul	Sparks (Barbour)
Bateman	Harrison	Norman (Lowndes)	Sparks (Walker)
Bridges	Heflin	O'Neal	Spence
Britton	Henson	Owen (Etowah)	Staples
Bulger	Hill	Owens (Madison)	Steele
Burleson	Hodges	Parish (Henry)	Street
Byars	Hollis	Parish (Pike)	Taylor
Calhoun	Jones	Quarles	Tidmore
Castleberry	Kelly	Rayburn	Todd
Chichester	Kirby	Reeder	Tompkins
Cook	Langdon	Reid	Toomer
Davis	Lee (Monroe)	Reynolds	Waldrep
Delony	Livingston	Robertson (Cullman)	Welch
Denson	Lusk	Robinson (Lowndes)	Williams
Dominick	Matthews	Sanderson	Wright
Doster	Merrill		

—74

On motion of Mr. Reeder the bill, H. 330, was ordered sent forthwith to the Senate without engrossment.

H. 331. To amend Section 7 of an Act entitled "An Act to provide for the leasing, buying, condemning, otherwise acquiring, and/or freeing of any and all toll bridges within the State by the State Highway Department, with the approval of the Governor, and to provide the method and manner in which said leasing, purchasing, condemning, otherwise acquiring, and/or freeing of any and all of said bridges shall be accomplished; and to authorize and empower the State Highway Department to make, enter into and execute, with the approval of the Governor, any and all contracts or agreements necessary for the accomplishment of the purpose of this Act and to set aside and pledge from its revenues a sum not in excess of \$300,000.00, annually, therefor, for a period not exceeding thirty years," approved July 10, 1935.

Was taken up. The question was on the adoption of the substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

Substitute for H. 331:

A BILL

To be entitled An Act to amend Section 7 of an Act entitled "An Act to provide for the leasing, buying, condemning, otherwise acquiring, and/or freeing of any and all toll bridges within the State by the State Highway Department, with the approval of the Governor, and to provide the method and manner in which said leasing, purchasing, condemning, otherwise acquiring, and/or freeing of any and all of said bridges shall be accomplished; and to authorize and empower the State Highway Department to make, enter into and execute, with the approval of the Governor, any and all contracts or agreements necessary for the accomplishment of the purpose of this Act and to set aside and pledge from its revenues a sum not in excess of \$300,000.00, annually, therefor, for a period not exceeding thirty years," approved July 10, 1935.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 7 of an Act entitled "An Act to provide for the leasing, buying, condemning, otherwise acquiring, and/or freeing of any and all toll bridges within the State by the State Highway Department, with the approval of the Governor, and to provide the method and manner in which said leasing, purchasing, condemning, otherwise acquiring, and/or freeing of any and all of said bridges shall be accomplished; and to authorize and empower the State Highway Department to make, enter into and execute, with the approval of the Governor, any and all contracts or agreements necessary for the accomplishment of the purpose of this Act and to set aside and pledge from its revenues a sum not in excess of \$300,000.00, annually, therefor, for a period not exceeding thirty years," approved July 10, 1935, be amended so that the same shall read as follows: Section 7. That the powers given herein to lease, buy, condemn, otherwise acquire, and/or free any and all toll bridges in the State of Alabama, shall not be exercised, so far as the bridges now belonging to the Alabama State Bridge Corporation, until the bonds now outstanding against said bridges shall have been refunded at a rate of interest not to exceed four per cent (4%), nor shall such powers apply to, or be exercised so far as, the bridges leased, purchased, constructed or reconstructed under the provisions of Act No. 44, H. B. 132, approved February 7, 1935, as amended by Act No. 181, H. B. 251, approved July 8, 1935.

Section 2. This Act shall be effective immediately upon its passage and approval.

And the substitute was adopted.

Yeas, 74; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Douglass	Miles	Sanford
Adams	Goodwyn	Miller	Shaver
Arnold	Hamner	McDermott	Sightler
Austin	Hanks	McPhaul	Sparks (Barbour)
Bateman	Harrison	Norman (Lowndes)	Sparks (Walker)
Bridges	Heflin	O'Neal	Spence
Britton	Henson	Owen (Etowah)	Staples
Bulger	Hill	Owens (Madison)	Steele
Burleson	Hodges	Parish (Henry)	Street
Byars	Hollis	Parish (Pike)	Taylor
Calhoun	Jones	Quarles	Tidmore
Castleberry	Kelly	Rayburn	Todd
Chichester	Kirby	Reeder	Tompkins
Cook	Langdon	Reid	Toomer
Davis	Lee (Monroe)	Reynolds	Waldrep
Delony	Livingston	Robertson (Cullman)	Welch
Denson	Lusk	Robinson (Lowndes)	Williams
Dominick	Matthews	Sanderson	Wright
Doster	Merrill		

—74

And the bill:

H. 331. To amend Section 7 of an Act entitled "An Act to provide for the leasing, buying, condemning, otherwise acquiring, and/or freeing of any and all toll bridges within the State by the State Highway Department, with the approval of the Governor, and to provide the method and manner in which said leasing, purchasing, condemning, otherwise acquiring, and/or freeing of any and all of said bridges shall be accomplished; and to authorize and empower the State Highway Department to make, enter into and execute, with the approval of the Governor, any and all contracts or agreements necessary for the accomplishment of the purpose of this Act and to set aside and pledge from its revenues a sum not in excess of \$300,000.00, annually, therefor, for a period not exceeding thirty years," approved July 10, 1935.

As amended by the substitute, was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 74; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Castleberry	Hanks	Lee (Monroe)
Adams	Chichester	Harrison	Livingston
Arnold	Cook	Heflin	Lusk
Austin	Davis	Henson	Matthews
Bateman	Delony	Hill	Merrill
Bridges	Denson	Hodges	Miles
Britton	Dominick	Hollis	Miller
Bulger	Doster	Jones	McDermott
Burleson	Douglass	Kelly	McPhaul
Byars	Goodwyn	Kirby	Norman (Lowndes)
Calhoun	Hamner	Langdon	O'Neal

Owen (Etowah)	Reynolds	Sparks (Walker)	Todd
Owens (Madison)	Robertson (Cullman)	Spence	Tompkins
Parish (Henry)	Robinson (Lowndes)	Staples	Toomer
Parish (Pike)	Sanderson	Steele	Waldrep
Quarles	Sanford	Street	Welch
Rayburn	Shaver	Taylor	Williams
Reeder	Sightler	Tidmore	Wright
Reid	Sparks (Barbour)		

—74

On motion of Mr. Reeder the bill, H. 331, was ordered sent forthwith to the Senate without engrossment.

UNFINISHED BUSINESS

The House proceeded to the consideration of the unfinished business, which was the bill:

S. 62. To declare the public policy of the State as to the control, elimination and prevention of increase of wet, swamp or overflow lands as affecting the public health, general welfare or public convenience or in aid of agriculture; to create each County of the State a drainage district for the purpose of this Act; to provide for the establishment and development of drainage subdistricts; to provide for or assist land owners in providing for, the prevention, elimination, or control of overflow waters, wet, swamp and overflow lands through the control of surface waters and soil erosion by means of drainage, ditching or terracing as related to said declared policy; to provide for the creation of County Boards of Drainage Commissioners; to provide general powers of the County Board of Revenue or Commissioners necessary to carry out the purposes of this Act; to provide for the assessment and collection of costs and expenses of establishing proper control of surface waters upon agricultural lands of this State; to promote, aid and assist the purposes of drainage districts organized under the "Alabama Drainage Law"; to confer the right of eminent domain to the extent necessary to carry into effect the purposes of this Act; and to provide for the repeal of laws in conflict with this Act in so far as they affect the operations of this Act.

Mr. Long offered the following amendment to the bill, S. 62:

Long amendment to S. 62:

Amend Senate bill 62 Section 7 by striking therefrom the following: A petition signed by a majority of the land owners who control more than $(1/3)$ of the land involved, only $(1/3)$ of the land owners who control more than $(1/2)$ of the land involved, and substituting therefor the following: A petition signed by $(3/4)$ of the land owners who own, control and or operate all of the land involved.

Also amend Section 8 by striking out the word "potentially" where ever it appears therein.

And the amendment was adopted.

Yeas, 72; Nays, 1.

Yeas:

Messrs.:

Mr. Speaker	Douglass	Merrill	Robertson (Cullman)
Adams	Glover	Miles	Robinson (Lowndes)
Arnold	Haley	Miller	Sanford
Bateman	Hamner	Moore	Sparks (Barbour)
Braswell	Hanks	McDermott	Sparks (Walker)
Bridges	Hendley	McGowin	Spence
Burleson	Hill	Norman (Bullock)	Staples
Byars	Hodges	O'Neal	Steele
Calhoun	Hollis	Owen (Etowah)	Taylor
Carter	Jones	Owens (Madison)	Tidmore
Castleberry	Kelly	Parish (Henry)	Todd
Chichester	Kirby	Parish (Pike)	Tompkins
Connor	Langdon	Petrey	Toomer
Cook	Lee (Bullock)	Quarles	Waldrep
Delony	Lee (Monroe)	Rayburn	Wallace
Denson	Livingston	Reeder	Welch
Dominick	Long	Reid	Williams
Doster	Matthews	Reynolds	Wright

—72

Nay: Mr. Whigham.

—1

And the bill:

S. 62. To declare the public policy of the State as to the control, elimination and prevention of increase of wet, swamp or overflow lands as affecting the public health, general welfare or public convenience or in aid of agriculture; to create each County of the State a drainage district for the purpose of this Act; to provide for the establishment and development of drainage subdistricts; to provide for or assist land owners in providing for, the prevention, elimination, or control of overflow waters, wet, swamp and overflow lands through the control of surface waters and soil erosion by means of drainage, ditching or terracing as related to said declared policy; to provide for the creation of County Boards of Drainage Commissioners; to provide general powers of the County Board of Revenue or Commissioners necessary to carry out the purposes of this Act; to provide for the assessment and collection of costs and expenses of establishing proper control of surface waters upon agricultural lands of this State; to promote, aid and assist the purposes of drainage districts organized under the "Alabama Drainage Law"; to confer the right of eminent domain to the extent necessary to carry into effect the purposes of this Act; and to provide for the repeal of laws in conflict with this Act in so far as they affect the operations of this Act.

As amended, was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 57; Nays, 14.

Yeas:

Messrs.:

Mr. Speaker	Glover	Matthews	Sanford
Arnold	Haley	Merrill	Shaver
Braswell	Hamner	Miles	Sparks (Barbour)
Bridges	Hendley	Moore	Sparks (Walker)
Burleson	Henson	McDermott	Staples
Byars	Hill	Norman (Bullock)	Steele
Calhoun	Hodges	Owen (Etowah)	Taylor
Carter	Hollis	Owens (Madison)	Tidmore
Castleberry	Jones	Parish (Henry)	Todd
Chichester	Kelly	Petrey	Toomer
Cook	Kirby	Rayburn	Wallace
Delony	Langdon	Reeder	Welch
Denson	Lee (Monroe)	Reid	Williams
Doster	Livingston	Robertson (Cullman)	Wright
Douglass			

—57

Nays:

Messrs.:

Bateman	Long	Robinson (Lowndes)	Tompkins
Goolsby	McGowin	Sanderson	Waldrep
Hanks	O'Neal	Sightler	Whigham
Lee (Bullock)	Reynolds		

—14

BILL INDEFINITELY POSTPONED

On motion of Mr. Hodges H. 168 was indefinitely postponed.

BILL ON THIRD READING

H. 314. To authorize the governing bodies of the counties in this State to fund or refund indebtedness of such counties outstanding on October 1, 1935, by the issuance of funding or refunding warrants; to provide the time within which such funding or refunding warrants shall mature and the maximum rate of interest thereon; and to provide that such interest shall be payable semi-annually and may be evidenced by coupons.

Was taken up. Mr. Taylor offered the following amendment to the bill, H. 314:

Taylor amendment to House bill No. 314:

Amend House bill No. 314 by adding the following to the caption and to Section Two (2):

"This Act shall not apply to counties now or hereafter having a population of 90,000 or more according to the last or any succeeding Federal census.

And the amendment was adopted.

Yeas, 71; Nays, 0.

Yeas:

Messrs.:			
Blann	Glover	Miles	Sanford
Braswell	Goodwyn	Miller	Shaver
Bridges	Goolsby	Moore	Shipman
Britton	Haley	McDermott	Sightler
Bulger	Hamner	McGowin	Sparks (Barbour)
Byars	Hanks	Norman (Lowndes)	Sparks (Walker)
Calhoun	Hendley	O'Neal	Spence
Carter	Henson	Owens (Madison)	Staples
Castleberry	Hill	Parish (Henry)	Steele
Chichester	Hollis	Parish (Pike)	Taylor
Connor	Jones	Petrey	Tidmore
Cook	Kelly	Posey (Walker)	Todd
Davis	Kirby	Rayburn	Toomer
Delony	Langdon	Reeder	Wallace
Denson	Lee (Monroe)	Reynolds	Welch
Dominick	Livingston	Robertson (Cullman)	Williams
Doster	Matthews	Robinson (Lowndes)	Wright
Douglass	Merrill	Sanderson	

—71

And the bill:

H. 314. To authorize the governing bodies of the counties in this State to fund or refund indebtedness of such counties outstanding on October 1, 1935, by the issuance of funding or refunding warrants; to provide the time within which such funding or refunding warrants shall mature and the maximum rate of interest thereon; and to provide that such interest shall be payable semi-annually and may be evidenced by coupons.

As amended, was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 71; Nays, 0.

Yeas:

Messrs.:			
Blann	Glover	Miles	Sanford
Braswell	Goodwyn	Miller	Shaver
Bridges	Goolsby	Moore	Shipman
Britton	Haley	McDermott	Sightler
Bulger	Hamner	McGowin	Sparks (Barbour)
Byars	Hanks	Norman (Lowndes)	Sparks (Walker)
Calhoun	Hendley	O'Neal	Spence
Carter	Henson	Owens (Madison)	Staples
Castleberry	Hill	Parish (Henry)	Steele
Chichester	Hollis	Parish (Pike)	Taylor
Connor	Jones	Petrey	Tidmore
Cook	Kelly	Posey (Walker)	Todd
Davis	Kirby	Rayburn	Toomer
Delony	Langdon	Reeder	Wallace
Denson	Lee (Monroe)	Reynolds	Welch
Dominick	Livingston	Robertson (Cullman)	Williams
Doster	Matthews	Robinson (Lowndes)	Wright
Douglass	Merrill	Sanderson	

—71

On motion of Mr. Lee (Monroe) the bill, H. 314, was ordered sent forthwith to the Senate without engrossment.

MESSAGE FROM THE SENATE

Mr. Speaker :

The President and Presiding Officer of the Senate having signed the following Senate bill, your signature thereto is requested :

S. 103. To authorize the Board of Revenue of Houston County, Alabama, to levy and collect a privilege tax on all persons, corporations, copartnerships, companies, agencies, associations and refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naptha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil" "fuel oil" or "crude oil" commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; to authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; to make provisions for the distribution of the funds derived from said privilege tax; to prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis; to repeal the municipal privilege, excise and or license taxes on gasoline, Woco-pep, or any other motor fuel, used by self-propelled vehicles which may now be collected or levied by any incorporated city or town in said county; to provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; to repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective.

S. 52. To amend an Act, entitled "An Act to promote the objects of the National Housing Act by authorizing banks, savings banks, trust companies, insurance companies and building and loan associations to make loans pursuant to Titles I and II of the National Housing Act, and by authorizing banks, savings banks, trust companies, insurance companies, building and loan associations, to invest in mortgages insured, and in debentures issued, by the Federal Housing Administrator, and to invest in securities of National Mortgage Associations," approved January 31, 1935, as amended by an Act approved August 15, 1935, by adding thereto a section making loans insured under Title II of the National Housing Act eligible for deposit where securities must be, or may be, deposited pursuant to any law of the State of Alabama.

S. 108. To make an appropriation for the support, maintenance and improvement of The Southern Industrial Institute.

S. 124. To amend Section 31 of an Act entitled "An Act to authorize any county, city or incorporated town of the State of Alabama, subject to the limitations herein stated, to purchase or construct a waterworks system, water supply system, sewer system, sanitary disposal equipment and appliances, or gas system, and in furtherance thereof to purchase or construct any necessary part of any such system either within or without the limits of such county, city or incorporated town, as the case may be; and to authorize any county, city or incorporated town of the State of Alabama now or hereafter owning and operating any such system to improve, enlarge, extend or repair the same; and for any such purpose or purposes to authorize any such county, city or incorporated town to issue revenue bonds payable solely from the revenues derived from the operation of any such system or systems; to regulate the issuance, sale, retirement, and refunding of such bonds and of other matters in connection therewith; to regulate the use of the revenues of such system or systems when such bonds are issued or outstanding; to provide for the operation of any such system or systems in case of deficiencies in such revenues; to confer upon the State Board of Health certain powers with reference to any such sewer system; and for other purposes", approved March 29, 1933, as amended, so as to permit the redemption of bonds with or without a premium, and so as to delete a portion of said section.

S. 143. To authorize and require the Board of Education in any County in the State of not less than 75,000 nor more than 100,000 population according to the last or any succeeding Federal Census to provide a pension or retiring allowance for teachers who have served in the Public Schools of such County.

S. 168. To fix the salary and prescribe the duties of the Solicitor of the Law and Equity Court of Franklin County, Alabama.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE GOVERNOR

To the House of Representatives,
Montgomery, Alabama.
Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 50, without my approval.

While there is no objection to the bill it is the desire of the author of the bill that the same be not approved. I am, therefore, vetoing it.

Respectfully,
BIBB GRAVES,
Governor.

April 14, 1936.

GOVERNOR'S MESSAGE

The House proceeded to the reconsideration of the bill, H. 50, and the House refused to pass the bill, the Governor's veto to the contrary notwithstanding.

Yeas, 0; Nays, 66.

Nays:

Messrs.:

Mr. Speaker	Cox	Jones	Reynolds
Adams	Davis	Langdon	Sanderson
Arnold	Delony	Long	Shaver
Austin	De Vane	Lusk	Sightler
Bateman	Doster	Miles	Spence
Blann	Douglass	Miller	Staples
Braswell	Glover	Moore	Street
Bridges	Goodwyn	McDermott	Taylor
Britton	Haley	McPhaul	Tidmore
Bulger	Hall	O'Neal	Todd
Burleson	Hanks	Petrey	Tolbert
Byars	Hare	Poole	Toomer
Calhoun	Heflin	Propst	Wallace
Carter	Henson	Quarles	Welch
Chichester	Hill	Reeder	Williams
Connor	Hodges	Reid	Wright
Cook	Hollis		

—66

MESSAGE FROM THE GOVERNOR

To the House of Representatives,
Montgomery, Alabama.
Gentlemen:

I am returning herewith to you, the body in which it originated, House Bill No. 51 without my approval.

This is a local bill concerning Pickens County, and while there is no objection to the bill this veto message is transmitted at the request of the author of the bill.

Respectfully,
BIBB GRAVES,
Governor.

April 14, 1936.

GOVERNOR'S MESSAGE

The House proceeded to the reconsideration of the bill, H. 51, and the House refused to pass the bill, the Governor's veto to the contrary notwithstanding.

Yeas, 0; Nays, 66.

Nays:

Messrs.:

Mr. Speaker

Adams	Cox	Jones	Reynolds
Arnold	Davis	Langdon	Sanderson
Austin	Delony	Long	Shaver
Bateman	De Vane	Lusk	Sightler
Blann	Doster	Miles	Spence
Braswell	Douglass	Miller	Staples
Bridges	Glover	Moore	Street
Britton	Goodwyn	McDermott	Taylor
Bulger	Haley	McPhaul	Tidmore
Burleson	Hall	O'Neal	Todd
Byars	Hanks	Petrey	Tolbert
Calhoun	Hare	Poole	Toomer
Carter	Heflin	Propst	Wallace
Chichester	Henson	Quarles	Welch
Connor	Hill	Reeder	Williams
Cook	Hodges	Reid	Wright
	Hollis		

—66

BILLS ON THIRD READING

S. 122. To amend Section 2 of an Act entitled "An Act to authorize and provide for the establishment of a fund to be known as the Minimum Program Fund, and to define procedures to be used in apportioning the Minimum Program Fund for the elementary and high schools in the various counties and cities of the State." (Approved September 2, 1935.)

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 79; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker

Adams	Byars	Glover	Hollis
Arnold	Calhoun	Goodwyn	Jones
Austin	Carter	Haley	Kelly
Bateman	Castleberry	Hamner	Kirby
Blann	Chichester	Hanks	Langdon
Braswell	Connor	Hare	Lee (Bullock)
Bridges	Cook	Heflin	Lee (Monroe)
Britton	Davis	Hendley	Long
Bulger	Delony	Henson	Lusk
Burleson	Denson	Hill	Matthews
	Douglass	Hodges	Merrill

Miller	Petrey	Sanford	Tidmore
Moore	Posey (Walker)	Shipman	Todd
McDermott	Quarles	Sightler	Tompkins
McGowin	Rayburn	Sparks (Barbour)	Toomer
Norman (Bullock)	Reeder	Sparks (Walker)	Welch
Norman (Lowndes)	Reid	Spence	Whigham
O'Neal	Reynolds	Staples	Williams
Owens (Madison)	Robinson (Lowndes)	Steele	Wright
Parish (Henry)	Sanderson	Taylor	

—79

S. 90. To amend Sub-section D of Section 1 of an Act entitled: "An Act in relation to the educational system of Alabama: To make annual appropriations and provide funds for the support, maintenance and development of public education in Alabama, for the fiscal years ending September 30, 1936, 1937, 1938 and 1939, including all schools, agencies, services and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, the Alabama School of Trades & Industries, the Alabama College, the Alabama Polytechnic Institute and the University of Alabama. (Approved September 2, 1935.)"

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 74; Nays, 0.

Yeas:

Messrs.:			
Mr. Speaker	Dominick	Lusk	Robinson (Lowndes)
Arnold	Doster	Matthews	Sanderson
Bateman	Glover	Merrill	Shaver
Blann	Goodwyn	Miles	Shipman
Braswell	Goolsby	Miller	Sightler
Bridges	Haley	Moore	Sparks (Walker)
Britton	Hamner	McDermott	Spence
Buffington	Hanks	McGowin	Staples
Bulger	Hare	Norman (Bullock)	Steele
Burleson	Heflin	Norman (Lowndes)	Taylor
Byars	Hendley	O'Neal	Tidmore
Calhoun	Henson	Owens (Madison)	Todd
Carter	Hill	Parish (Henry)	Toomer
Chichester	Hodges	Petrey	Waldrep
Connor	Kelly	Rayburn	Welch
Cook	Kirby	Reeder	Whigham
Davis	Lee (Monroe)	Reid	Williams
Delony	Livingston	Reynolds	Wright
Denson	Long		

—74

S. 91. To amend, by adding Section 4½ and amending Section 5, an Act entitled: "An Act in relation to the public school system of Alabama: To make appropriations and provide funds for the support, maintenance, and development of the public school system of the State.

(Approved September 2, 1935)"

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 74; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Dominick	Lusk	Robinson (Lowndes)
Arnold	Doster	Matthews	Sanderson
Bateman	Glover	Merrill	Shaver
Blann	Goodwyn	Miles	Shipman
Braswell	Goolsby	Miller	Sightler
Bridges	Haley	Moore	Sparks (Walker)
Britton	Hamner	McDermott	Spence
Buffington	Hanks	McGowin	Staples
Bulger	Hare	Norman (Bullock)	Steele
Burleson	Heflin	Norman (Lowndes)	Taylor
Byars	Hendley	O'Neal	Tidmore
Calhoun	Henson	Owens (Madison)	Todd
Carter	Hill	Parish (Henry)	Toomer
Chichester	Hodges	Petrey	Waldrep
Connor	Kelly	Rayburn	Welch
Cook	Kirby	Reeder	Whigham
Davis	Lee (Monroe)	Reid	Williams
Delony	Livingston	Reynolds	Wright
Denson	Long		

—74

BILLS INDEFINITELY POSTPONED

On motion of Mr. Hill the bills, H. 244 and H. 243, were indefinitely postponed.

BILLS ON THIRD READING

S. 76. To further provide for and regulate annual, partial, or final settlements by Administrators, Executors, Guardians and Trustees; to authorize the court having jurisdiction of any such settlements, to fix, determine and allow, upon such settlements, the fees or compensation of such Administrators, Executors, Guardians or Trustees, and to fix and allow compensation to be paid from any estate to attorneys representing any such administrators, executors, Guardians or Trustees; and to provide when any such annual or partial settlement shall be final and conclusive.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 70; Nays, 1.

Yeas:

Messrs.:

Mr. Speaker	Delony	Livingston	Sanderson
Arnold	Denson	Long	Shaver
Austin	Dominick	Lusk	Shipman
Blann	Doster	Matthews	Sightler
Braswell	Douglass	Merrill	Sparks (Barbour)
Bridges	Glover	Miles	Sparks (Walker)
Britton	Goodwyn	Miller	Spence
Buffington	Goolsby	Moore	Steele
Bulger	Haley	Norman (Bullock)	Taylor
Burleson	Hamner	Norman (Lowndes)	Tidmore
Byars	Hanks	Owen (Etowah)	Todd
Calhoun	Heflin	Owens (Madison)	Tolbert
Carter	Hendley	Parish (Henry)	Tompkins
Castleberry	Henson	Petrey	Toomer
Chichester	Hill	Quarles	Whigham
Connor	Hodges	Reynolds	Williams
Cook	Kelly	Robinson (Lowndes)	Wright
Davis	Langdon		

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Nay: Mr. McDermott

—1

BILLS INDEFINITELY POSTPONED

On motion of Mr. Connor the bills, H. 73 and H. 284, were indefinitely postponed.

BILLS ON THIRD READING

H. 423. To require the County Governing Body of Marion County, Alabama, to allow and order paid the cost of publication of notice of intention to apply for local legislation pertaining to or applicable to said county.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker

Adams	Carter	Hall	Miller
Arnold	Chichester	Hanks	Moore
Austin	Connor	Hare	McDermott
Bateman	Cook	Heflin	McPhaul
Blann	Cox	Henson	O'Neal
Braswell	Davis	Hill	Petrey
Bridges	Delony	Hodges	Poole
Britton	De Vane	Hollis	Propst
Bulger	Doster	Jones	Quarles
Burleson	Douglass	Langdon	Reeder
Byars	Glover	Long	Reid
Calhoun	Goodwyn	Lusk	Reynolds
	Haley	Miles	Sanderson

Shaver
Sightler
Spence
Staples

Street
Taylor
Tidmore
Todd

Tolbert
Toomer
Wallace

Welch
Williams
Wright

—66

On motion of Mr. Hill the bill, H. 423, was ordered sent forthwith to the Senate without engrossment.

H. 246. To regulate the operation of any public or private amusement place in all counties in the State of Alabama, having a population of not less than 110,000 nor more than 200,000 according to the last or any subsequent Federal census, and to fix a penalty for the violation thereof.

Was taken up. Mr. Taylor offered the following amendment to the bill, H. 246:

Taylor amendment H. 246:

Amend H. B. 246 by striking the words "Police jurisdiction" and inserting the words "one mile" in lieu thereof wherever they appear in said bill.

And the amendment was adopted.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker

Adams
Arnold
Austin
Bateman
Blann
Braswell
Bridges
Britton
Bulger
Burleson
Byars
Calhoun
Carter
Chichester
Connor
Cook

Cox

Davis
Delony
De Vane
Doster
Douglass
Glover
Goodwyn
Haley
Hall
Hanks
Hare
Heflin
Henson
Hill
Hodges
Hollis

Jones

Langdon
Long
Lusk
Miles
Miller
Moore
McDermott
McPhaul
O'Neal
Petrey
Poole
Propst
Quarles
Reeder
Reid

Reynolds

Sanderson
Shaver
Sightler
Spence
Staples
Street
Taylor
Tidmore
Todd
Tolbert
Toomer
Wallace
Welch
Williams
Wright

—66

And the bill:

H. 246. To regulate the operation of any public or private amusement place in all counties in the State of Alabama, having a population of not less than 110,000 nor more than 200,000 according to the last or any subsequent Federal census, and to fix a penalty for the violation thereof.

As amended, was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Cox	Jones	Reynolds
Adams	Davis	Langdon	Sanderson
Arnold	Delony	Lusk	Shaver
Austin	De Vane	Miles	Sightler
Bateman	Doster	Long	Spence
Blann	Douglass	Miller	Staples
Braswell	Glover	Moore	Street
Bridges	Goodwyn	McDermott	Taylor
Britton	Haley	McPhaul	Tidmore
Bulger	Hall	O'Neal	Todd
Burleson	Hanks	Petrey	Tolbert
Byars	Hare	Poole	Toomer
Calhoun	Heflin	Propst	Wallace
Carter	Henson	Quarles	Welch
Chichester	Hill	Reeder	Williams
Connor	Hodges	Reid	Wright
Cook	Hollis		

—66

On motion of Mr. Taylor the bill, H. 246, was ordered sent forthwith to the Senate without engrossment.

H. 431. To fix the compensation or salaries to be paid the tax collectors and tax assessors in all counties in this State which now have or which may hereafter have a population of seventy-five thousand people and less than one hundred thousand people according to the last Federal Census or any such census which may hereafter be taken, where such officers are constitutionally paid upon a salary basis, and to regulate the payment of same, to provide for the selection of clerical help and other assistance to said officers and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such officers; and to require all of said officers to pay into the county treasury of said counties all costs, charges of courts, fees and commissions authorized by law to be collected by said officers as other monies belonging to said counties are paid, except any salary, fees or commissions paid said officers for collecting taxes for any municipality.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Blann	Burleson	Connor
Adams	Braswell	Byars	Cook
Arnold	Bridges	Calhoun	Cox
Austin	Britton	Carter	Davis
Bateman	Bulger	Chichester	Delony

De Vane	Hodges	Petrey	Staples
Doster	Hollis	Poole	Street
Douglass	Jones	Propst	Taylor
Glover	Langdon	Quarles	Tidmore
Goodwyn	Long	Reeder	Todd
Haley	Lusk	Reid	Tolbert
Hall	Miles	Reynolds	Toomer
Hanks	Miller	Sanderson	Wallace
Hare	Moore	Shaver	Welch
Heflin	McDermott	Sightler	Williams
Henson	McPhaul	Spence	Wright
Hill	O'Neal		

—66

On motion of Mr. Goodwyn the bill, H. 431, was ordered sent forthwith to the Senate without engrossment.

RESOLUTIONS

Mr. Welch offered the following resolution:

By Mr. Welch:

H. R. 69. Resolved that H. B. 361 be made the paramount and continuing special order of business on the next legislative day.

And the resolution was referred to the Standing Committee on Rules.

Mr. Lusk offered the following resolution:

By Mr. Lusk:

H. R. 70. Be It Resolved by House of Representatives that Senate Bill No. 64 by Mr. Starnes on page 40 of the Calendar for the 22nd Legislative day be made a special order for the next Legislative day.

And the resolution was referred to the Standing Committee on Rules.

RECESS

On motion of Mr. Poole the House recessed until 3 o'clock P.M.

 TWENTY-SECOND DAY—AFTERNOON SESSION

The hour of 3 o'clock P.M. having arrived, the House reconvened.

RESOLUTIONS

Mr. Welch offered the following resolution:

By Mr. Welch:

H. R. 71. WHEREAS, H. B. 62 was voted on in the House

of Representatives on March 31st, 1936 and a total of 56 votes were cast in favor of the bill and 29 votes against the bill; and,

WHEREAS, the Speaker of the House of Representatives ruled that H. B. 62 failed to pass by reason of not receiving a two-thirds vote as said bill was not within the call of the Governor; and

WHEREAS, the call of the Governor among other things related to providing revenue,

THEREFORE, BE IT RESOLVED BY THE HOUSE, that the Justices of the Supreme Court of Alabama or a majority thereof are hereby requested to render to this body their written opinion, as provided under Section 10290 of the Code of Alabama, as to whether said Act, a copy of which is hereto attached, marked Exhibit A, and made a part hereof, offends or is in conflict with that part of Section 70 of the Constitution which provides, "All bills for raising revenue shall originate in the House of Representatives", giving consideration to the case of Perry County vs. S. M. & M. R. Co., reported in the 58th Alabama on page 546, construing a similar bill, and if H. B. 62 is within the Governor's call, a copy of which said call is attached hereto and made a part hereof, and marked Exhibit "B", and did said bill pass the House the ruling of the Speaker of the House to the contrary notwithstanding?

Mr. Welch moved that the House suspend the rules for the immediate consideration of the resolution and the House refused to suspend the rules.

Yeas, 49; Nays, 38 (a four-fifths majority being necessary).

Yeas:

Messrs.:

Adams	Goodwyn	Matthews	Sanderson
Austin	Haley	Miles	Shaver
Buffington	Hall	Moore	Shipman
Bulger	Hamner	McDermott	Sightler
Calhoun	Hanks	McGowin	Sparks (Barbour)
Chichester	Hare	Parish (Henry)	Spence
Connor	Hollis	Petrey	Staples
Cook	Jones	Poole	Taylor
Davis	Kelly	Quarles	Tidmore
Denson	Livingston	Rayburn	Waldrep
Dominick	Long	Reeder	Welch
Doster	Lusk	Robinson (Lowndes)	Williams
Douglass			

—49

Nays:

Messrs.:

Mr. Speaker	Carter	Hendley	McPhaul
Bateman	Castleberry	Henson	Norman (Bullock)
Blann	Delony	Hodges	Norman (Lowndes)
Braswell	De Vane	Kirby	O'Neal
Bridges	Glover	Langdon	Owen (Etowah)
Burleson	Harrison	Merrill	Owens (Madison)
Byars	Heflin	Miller	Parish (Pike)

Posey (Walker)
Reid
Reynolds

Sanford
Sparks (Walker)
Steele

Tompkins
Toomer

Whigham
Wright

—38

And the resolution was referred to the Standing Committee on Rules.

Mr. Welch offered the following resolution:

By Mr. Welch:

H. R. 72. WHEREAS, during the session of the House of Representatives on Tuesday, March 31, 1936, House bill 62, which amended Section 344 of the General Revenue Act, approved July 10, 1935, was duly called and voted upon for final passage by said House, and after said vote was duly counted the Speaker of said House duly announced the result of said vote, which was as follows: Ayes 56, nays 29; and

WHEREAS, the Chair declared that said House bill 62 failed to pass on account of the fact that it failed to receive a two-thirds majority of the votes cast; and

WHEREAS, the Supreme Court Justices did on to-wit April 7, 1936, render an advisory opinion that an amendment to Section 344 was a revenue bill and should originate in the House of Representatives and cited as authority the case of Perry County v. Selma, Marion and Memphis Railroad Company; 58 Alabama 546; and

WHEREAS, the Supreme Court in the above styled case held as follows: "The bill to be entitled an act 'To amend an act entitled an act to establish revenue laws for the State of Alabama,' and which is published as a law approved February 9, 1870.—Pamph. Acts, 87—originated in the Senate, as is shown by the journals of that session. We have carefully examined the journals, and can safely say this is affirmatively shown. The question arises, was this a bill for 'raising revenue' within the meaning of the Constitution?" . . . "The act in question, in one sense, reduced the taxes; for it assumed to relieve certain railroad property from county taxation. But it was, nevertheless, a bill to raise revenue."; and

WHEREAS, on to-wit Tuesday, April 7, 1936, the Chair ruled that a majority vote was all that was necessary to enact House bill 147, the effect of said House bill being to amend Section 135 of the General Revenue Act of Alabama, approved July 10, 1935; and

WHEREAS, in the light of the recent ruling of the Justices of the Supreme Court and in the recent rulings of the Chair the House is of the opinion that the Chair erroneously ruled that House bill 62 failed to pass.

NOW, THEREFORE, Be it resolved by the House of Representatives that the Chair forthwith declare House bill 62 duly

passed, and that the same be immediately sent to the Senate without engrossment.

BE IT FURTHER RESOLVED that the journals of the House of Representatives be corrected so as to properly show that said House bill 62 was duly passed.

Mr. Harrison made the point of order that the resolution, H. R. 72, was out of order on the ground that a motion to reconsider the vote by which the Journal of the House was approved was necessary before a resolution correcting the Journal could be considered. The Speaker ruled that the point of order was well taken.

Mr. Welch appealed from the ruling of the chair and the ruling of the chair was sustained.

Yeas, 48; Nays 41.

Yeas:

Messrs.:

Arnold	De Vane	Merrill	Reynolds
Bateman	Douglass	Miller	Robinson (Lowndes)
Blann	Glover	McPhaul	Sanford
Braswell	Goodwyn	Norman (Bullock)	Shipman
Bridges	Harrison	Norman (Lowndes)	Sparks (Walker)
Britton	Heflin	O'Neal	Steele
Burleson	Hendley	Owen (Etowah)	Todd
Byars	Henson	Owens (Madison)	Tolbert
Carter	Hill	Parish (Henry)	Tompkins
Castleberry	Hodges	Posey (Walker)	Toomer
Davis	Kirby	Propst	Whigham
Delony	Langdon	Reid	Wright

—48

Nays:

Messrs.:

Adams	Hall	Miles	Shaver
Austin	Hamner	Moore	Sightler
Bulger	Hanks	McDermott	Sparks (Barbour)
Calhoun	Hare	McGowin	Spence
Chichester	Hollis	Parish (Pike)	Staples
Connor	Jones	Petrey	Taylor
Cook	Livingston	Quarles	Tidmore
Denson	Long	Rayburn	Waldrep
Dominick	Lusk	Reeder	Welch
Doster	Matthews	Sanderson	Williams
Haley			

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MOTION IN WRITING

Mr. Lusk submitted the following motion in writing: It is moved that the House take a temporary recess subject to the call of the Speaker and that the Rules Committee be directed to immediately consider and report to this House on House resolution No. 71 and that the House remain in recess until such report is made.

The Speaker ruled that the motion was out of order on the ground that 24 hours' notice had not been given as required by the rules of the House.

BILLS ON THIRD READING

S. 110. To further provide for and regulate the selection of candidates for public office by political parties.

Was read a third time at length and defeated, lacking the two-thirds majority required by the Constitution for bills not included in the Governor's call.

Yeas, 44; Nays, 42.

*Yeas:***Messrs.:**

Mr. Speaker	Douglass	Livingston	Sanderson
Adams	Hall	Matthews	Shaver
Arnold	Hamner	Moore	Shipman
Austin	Hanks	McGowin	Sparks (Barbour)
Bateman	Hare	Norman (Bullock)	Steele
Burleson	Harrison	Parish (Henry)	Taylor
Castleberry	Hill	Parish (Pike)	Tidmore
Connor	Hollis	Petrey	Todd
Davis	Jones	Posey (Walker)	Whigham
Dominick	Kelly	Quarles	Williams
Doster	Lee (Bullock)	Robinson (Lowndes)	Wright

—44

*Nays:***Messrs.:**

Blann	Glover	Miller	Reynolds
Braswell	Goodwyn	McDermott	Robertson (Cullman)
Bridges	Goolsby	McPhaul	Sanford
Bulger	Hendley	O'Neal	Sparks (Walker)
Byars	Henson	Owen (Etowah)	Staples
Calhoun	Hodges	Owens (Madison)	Tolbert
Carter	Langdon	Poole	Tompkins
Chichester	Long	Propst	Toomer
Delony	Lusk	Rayburn	Waldrep
Denson	Merrill	Reid	Welch
De Vane	Miles		

—42

PAIR ANNOUNCED

Mr. Reeder announced a pair with Mr. Kirby. If Mr. Kirby were present he would vote Nay and Mr. Reeder would vote Yea.

BILLS INDEFINITELY POSTPONED

On motion of Mr. Waldrep the bill, S. 111, was indefinitely postponed.

RESOLUTION

The following resolution was offered:

By Chauncey Sparks, Jas. A. Hare, Jr., Geo. P. Quarles, Chas. E. Shaver, Earl M. McGowin, Aubrey Dominick, M. P. Kelly, Geo. Bliss Jones, Bull Connor, Eugene E. Waldrep, J. C. Austin, L. S. Moore, T. H. Street, M. L. Robertson, J. P. Haley, C. A. Spence, J. W. Long, W. C. Taylor, John W. Bateman, L. A. Sanderson, J. W. Parish, Neil Robinson, M. R. Norman, J. A. Parish, A. L. Staples, A. L. Hanks, F. W. Britton, C. D. Norman, H. M. Doster, A. C. Davis, C. E. Whigham, A. P. Williams, J. B. Goolsby, J. Milton Shipman, John D. Chichester, V. L. Adams, V. J. Douglass, J. R. Todd, B. H. Matthews, G. W. Posey, David M. Hall, Jr.:

H. J. R. 73. WHEREAS, under the present call of the Governor, this session of the Legislature cannot accomplish those things which we believe should be done for Alabama; and,

WHEREAS, we believe:

1. That a new appropriation bill should be passed to balance outgo with income.
2. That provisions should be made for all executive and legislative economies in the administration of the various functions of government;
3. That departments of government should be consolidated and co-ordinated, where possible.
4. That the educational systems should be reformed and revised so that they may render the best service for the amount of appropriations allotted.
5. That the activities of government should not be expanded beyond the ability of a people, reasonably taxed, to sustain.
6. That no additional taxes should be considered until it is definitely ascertained there will be a deficit in needed appropriations after all economies have been effected and existing tax laws rigidly, fairly and equally enforced.
7. That a plan for state employment in the interest of continuing efficiency should be provided.

THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate concurring,

That, in the event of another call for an extra session, the Governor is respectfully urged:

- (a) to embrace the above subjects in his proclamation,
- (b) To appoint a Committee of the two houses, or an independent commission, composed of persons who adhere to and believe in the principles herein stated, and who represent the views of those members of the Legislature who have consistently adhered to those principles,

(c) To name such committee or commission a reasonable length of time before convening the Legislature. The duty of the committee or commission shall be to study the principles stated, prepare bills embodying them and report and transmit such bills to any subsequent session of this Legislature.

(d) To provide for the payment of the per diem and all expenses, including travel and subsistence, and all clerical help, of such committee or commission, out of the Governor's emergency fund.

The resolution was referred to the Standing Committee on Rules.

BILLS ON THIRD READING

H. 224. To amend Section 7918, Code of Alabama of 1923. Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 62; Nays, 0.

Yeas:

Messrs.:

Adams	Glover	Moore	Sanford
Arnold	Goodwyn	McDermott	Sightler
Austin	Goolsby	McGowin	Sparks (Barbour)
Blann	Hall	McPhaul	Sparks (Walker)
Braswell	Hamner	Owen (Etowah)	Staples
Burleson	Harrison	Owens (Madison)	Steele
Byars	Hill	Parish (Henry)	Taylor
Calhoun	Hollis	Parish (Pike)	Tidmore
Carter	Kelly	Posey (Walker)	Todd
Castleberry	Lee (Bullock)	Quarles	Tolbert
Connor	Long	Rayburn	Tompkins
Cook	Lusk	Reeder	Waldrep
Delony	Matthews	Robertson (Cullman)	Welch
Dominick	Merrill	Robinson (Lowndes)	Williams
Doster	Miles	Sanderson	Wright
Douglass	Miller		

—62

On motion of Mr. McDermott the bill, H. 224, was ordered sent forthwith to the Senate without engrossment.

H. 225. To provide that the Judge of Probate may reduce the official bond of an executor, administrator or special administrator upon good cause shown or permit a new bond to be filed in a reduced amount and discharge the surety or sureties on the old bond from liability for matters subsequent to the filing of such new bond.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 65; Nays, 0.

Yeas:

Messrs.:

Arnold	Hall	McDermott	Sanderson
Bateman	Hamner	McPhaul	Shipman
Blann	Hanks	O'Neal	Sightler
Braswell	Harrison	Owen (Etowah)	Sparks (Walker)
Burleson	Hendley	Parish (Henry)	Staples
Byars	Henson	Parish (Pike)	Steele
Calhoun	Hollis	Petrey	Taylor
Carter	Kelly	Posey (Walker)	Tidmore
Castleberry	Langdon	Propst	Todd
Cook	Lee (Bullock)	Quarles	Tolbert
Delony	Livingston	Rayburn	Tompkins
Denson	Long	Reeder	Waldrep
Dominick	Lusk	Reid	Welch
Doster	Matthews	Reynolds	Whigham
Douglass	Merrill	Robertson (Cullman)	Williams
Glover	Moore	Robinson (Lowndes)	Wright
Goodwyn•			

—65

On motion of Mr. McDermott the bill, H. 225, was ordered sent forthwith to the Senate without engrossment.

H. 376. "To authorize cities, towns, or municipalities to sell real estate which has been sold for taxes prior to January 1st, 1936, for city, town, or municipal ad valorem taxes, and bought in at such tax sale by such city, town, or municipality, without requiring the payment of interest or penalties, and to repeal all laws and parts of laws, general, special, local, or private, in conflict with the provisions of this Act."

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 62; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Douglass	Long	Robinson (Lowndes)
Arnold	Glover	Lusk	Sanderson
Austin	Goolsby	Matthews	Sanford
Bateman	Hall	Merrill	Shipman
Blann	Hamner	Miller	Sightler
Bridges	Hanks	McDermott	Sparks (Walker)
Burleson	Hare	McGowin	Staples
Byars	Harrison	O'Neal	Steele
Calhoun	Heflin	Owens (Madison)	Tidmore
Carter	Hendley	Propst	Todd
Castleberry	Hill	Quarles	Tolbert
Chichester	Hollis	Rayburn	Tompkins
Delony	Kelly	Reeder	Waldrep
De Vane	Langdon	Reid	Welch
Dominick	Lee (Bullock)	Robertson (Cullman)	Williams
Doster	Livingston		

—62

On motion of Mr. McDermott the bill, H. 376, was ordered sent forthwith to the Senate without engrossment.

H. 377. To amend Section One of an act entitled an Act "Allowing boxing, sparring and wrestling matches and exhibition under the regulation and supervision of the Alabama Athletic Commission herein established, and relating to the powers, duties, compensation and authority of said commission, and prescribing penalties for the violation of the provisions of this Act, or rules of said commission", approved July 1, 1927; and to amend Section Three of said act as last amended August 21, 1935.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 57; Nays, 3.

Yeas:

Messrs.:

Adams	Hanks	Owen (Etowah)	Shipman
Arnold	Harrison	Owens (Madison)	Sightler
Austin	Heflin	Parish (Henry)	Sparks (Walker)
Bulger	Kelly	Parish (Pike)	Staples
Burleson	Lee (Bullock)	Posey (Walker)	Steele
Calhoun	Livingston	Propst	Taylor
Carter	Long	Quarles	Tidmore
Castleberry	Lusk	Rayburn	Todd
Delony	Merrill	Reeder	Tolbert
Denson	Miles	Reid	Tompkins
Dominick	Miller	Reynolds	Welch
Douglass	McDermott	Robertson (Cullman)	Whigham
Glover	McPhaul	Robinson (Lowndes)	Williams
Goodwyn	O'Neal	Sanford	Wright
Hamner			

—57

Nays: Messrs. Cook, Henson, Matthews

—3

On motion of Mr. McDermott the bill, H. 377, was ordered sent forthwith to the Senate without engrossment.

RESOLUTIONS

The following resolutions were offered:

By Mr. Calhoun:

H. R. 74. Be it resolved that S. 88 and S. 137 by Swift be made special, paramount, continuing orders for the next Legislative day. And House bill No. 363 and 364 the same order.

By Mr. Reeder:

H. R. 75. Be it resolved that H. B. 299 by Reeder be made a special and paramount continuing order for the next Legislative day.

By Mr. Welch:

H. R. 76. Resolved that Senate bill 117 be and the same is hereby made a special, paramount and continuing order of business for the twenty-third Legislative day.

By Mr. Chichester:

H. R. 77. Be it resolved that H. B. 324, 323, 322, 321, 320, by Chichester be made a special and paramount continuing order for the next Legislative day.

By Mr. Hill:

H. R. 78. Be it resolved that H. B. 375 by Mr. Hill be made a special and paramount continuing order for the next Legislative day.

By Mr. Hill:

H. R. 79. Be it resolved that H. B. 335 by Hill be made a special and paramount continuing order for the next Legislative day.

By Mr. Merrill:

H. R. 80. Be it resolved that H. B. 341 by Mr. Merrill be made a special and paramount continuing order for the next Legislative day.

By Mr. Propst:

H. R. 81. Be it resolved that H. B. 129 by Propst be made a special and paramount continuing order for the next Legislative day.

By Mr. Robertson (Cullman):

H. R. 82. Be it resolved that H. B. 208 by Robertson be made a special and paramount continuing order for the next Legislative day.

And the resolutions, H. R. 74 to H. R. 82, inclusive, were referred to the Standing Committee on Rules.

REPORT OF STANDING COMMITTEE ON RULES

Mr. Walker, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following resolutions and ordered same returned to the House with a favorable report:

By Mr. McPhaul:

H. R. 51. Making H. B. 370 special order.

By Mr. Arnold:

H. R. 61. Making H. B. 164 and H. 402 special orders.

By Mr. Lusk:

H. R. 70. Making S. 64 special order.

By Mr. Welch:

H. R. 69. Making H. 361 special order.

By Mr. Hanks:

H. R. 63. Relative to refusal of two Houses to adjourn until certain measures have been adopted.

And the resolutions were adopted, with the exception of H. R. 63, which was placed on the Calendar for consideration on the next Legislative day.

RESOLUTIONS

The following resolutions were offered:

By Mr. Robertson:

H. R. 83. Resolved that House bill 141 Robertson be made special order next Legislative day.

By Mr. Kelly:

H. R. 84. Resolved that H. B. 11 be made a special, paramount and continuing order of business for the next Legislative day.

By Mr. Cook:

H. R. 85. Resolved that House bill 312 be made a special order for the next Legislative day.

And the resolutions were referred to the Standing Committee on Rules.

RESOLUTION ON THIRD READING

S. J. R. 16. Relative to establishing the Alabama Commission on Interstate Cooperation.

Was taken up. The question was on the amendment reported by the Standing Committee on Rules, said committee amendment being as follows:

Amend S. J. R. No. 16 as follows:

(a) strike the Senate amendment.

(b) strike the following phrase from paragraph 6: "but they shall be paid their necessary expenses in carrying out their obligations under this Act."

And the amendment was adopted, and the resolution, S. J. R. 16, as amended, was adopted.

BILLS ON THIRD READING

S. 117. To provide for a more economical, convenient and uniform system of assessing and collecting taxes on real estate in all Counties having a population of forty thousand or more, according to the last Federal census.

Was taken up. The question was on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend Senate bill No. 117 by striking out the words forty thousand in each place where the same occur therein including the title of the bill, and inserting in lieu thereof in each place, the words one hundred and ten thousand.

And the amendment was adopted.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Cox	Jones	Reynolds
Adams	Davis	Langdon	Sanderson
Arnold	Delony	Long	Shaver
Austin	De Vane	Lusk	Sightler
Bateman	Doster	Miles	Spence
Blann	Douglass	Miller	Staples
Braswell	Glover	Moore	Street
Bridges	Goodwyn	McDermott	Taylor
Britton	Haley	McPhaul	Tidmore
Bulger	Hall	O'Neal	Todd
Burleson	Hanks	Petrey	Tolbert
Byars	Hare	Poole	Toomer
Calhoun	Heflin	Propst	Wallace
Carter	Henson	Quarles	Welch
Chichester	Hill	Reeder	Williams
Connor	Hodges	Reid	Wright
Cook	Hollis		

—66

And the bill:

S. 117. To provide for a more economical, convenient and uniform system of assessing and collecting taxes on real estate in all Counties having a population of forty thousand or more, according to the last Federal census.

As amended, was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Calhoun	Goodwyn	Long
Adams	Carter	Haley	Lusk
Arnold	Chichester	Hall	Miles
Austin	Connor	Hanks	Miller
Bateman	Cook	Hare	Moore
Blann	Cox	Heflin	McDermott
Braswell	Davis	Henson	McPhaul
Bridges	Delony	Hill	O'Neal
Britton	De Vane	Hodges	Petrey
Bulger	Doster	Hollis	Poole
Burleson	Douglass	Jones	Propst
Byars	Glover	Langdon	Quarles

Reeder	Sightler	Tidmore	Wallace
Reid	Spence	Todd	Welch
Reynolds	Staples	Tolbert	Williams
Sanderson	Street	Toomer	Wright
Shaver	Taylor		

—66

S. 50. To Amend Sections Eleven (11) and Fifteen and one-half (15½) of an act "To further regulate, provide for and require bonds of county officials and employees, and clerks, deputies and employees in county offices; to prescribe and provide for the fixing of the amount or amounts thereof and approving, filing and recording of such bonds; to provide for the payment of the premiums on certain of said bonds when the same are made in surety companies; to provide upon what conditions and the manner in which sureties on such bonds now in force or hereafter made may be discharged therefrom; and to provide for and prescribe the manner in which additional bonds may be required of such officials, employees, clerks, deputies and employees and in which such bonds now in force or hereafter made may be reduced and the sureties thereon discharged from liability beyond the amount of such reduced bonds and providing for the vacation of his office by the failure of such official, employee, clerk and deputy to make new or additional bonds required hereunder and for the appointment of his successor," approved April 20, 1933, and found in General and Local Acts of Alabama, Special Session 1933, pages 203-208 inclusive.

Was taken up. The question was on the adoption of the substitute reported by the Standing Committee on Judiciary, said substitute being as follows:

JUDICIARY COMMITTEE AMENDMENT FOR SENATE

BILL NO. 50

Amend Senate bill No. 50 so that the same shall read as follows:

A BILL

To be entitled An Act to amend Sections Eleven (11) and Fifteen and one-half (15½) of an act "To Further regulate, provide for and require bonds of county officials and employees, and clerks, deputies and employees, in county offices; to prescribe and provide for the fixing of the amount or amounts thereof and approving, filing and recording of such bonds; to provide for the payment of the premiums on certain of said bonds when the same are made in surety companies; to provide upon what conditions and the manner in which sureties on such bonds now in force or here-

after made may be discharged therefrom; and to provide for and prescribe the manner in which additional bonds may be required of such officials, employees, clerks, deputies and employees and in which such bonds now in force or hereafter made may be reduced and the sureties thereon discharged from liability beyond the amount of such reduced bonds and providing for the vacation of his office by the failure of such official, employee, clerk and deputy to make new or additional bonds required hereunder and for the appointment of his successor" approved April 20, 1933, and found in General and Local Acts of Alabama, Special Session 1933, pages 203-208 inclusive.

Be it enacted by the Legislature of Alabama:

Section 1. That Section Eleven (11) of an act "To further regulate, provide for and require bonds of county officials and employees, and clerks, deputies and employees in county offices; to prescribe and provide for the fixing of the amount or amounts thereof and approving, filing and recording of such bonds; to provide for the payment of the premiums on certain of said bonds when the same are made in surety companies; to provide upon what conditions and the manner in which sureties on such bonds now in force or hereafter made may be discharged therefrom; and to provide for and prescribe the manner in which additional bonds may be required of such officials, employees, clerks, deputies and employees and in which such bonds now in force or hereafter made may be reduced and the sureties thereon discharged from liability beyond the amount of such reduced bonds and providing for the vacation of his office by the failure of such official, employee, clerk and deputy to make new or additional bonds required hereunder and for the appointment of his successor, "approved April 20, 1933, and found in General and Local Acts of Alabama, Special Session 1933, pages 203-208 inclusive, be amended so as to read as follows: Section 11. The bond of the County Treasurer under the general laws of the State or of the Treasurer in lieu of a county depository or of the person performing the duties usually performed by such County Treasurer shall not be less than the largest amount of public funds in the possession or under the control of such office during the preceding fiscal year; but not to exceed a maximum of One Hundred Thousand Dollars (\$100,000.00).

Section 2. That Section fifteen and one-half (15½) of said act be amended so as to read as follows: Section 15½. That if and when a depository is or has been designated by the County Board of Education for the Public School Funds, or by the Courts of County Commissioners, Boards of Revenue or like governing bodies of the County, for the funds of the Tax Collector or County Treasurer the minimum amount of the bonds of such officers may

be fixed at an amount not less than twice the amount of the average daily balance of funds on hand or under the control of such office during that month in the preceding fiscal year when such average daily balance was greatest; but not to exceed a maximum of One Hundred Thousand Dollars (\$100,000.00).

Section 3. This act shall not repeal or modify any local act covering or providing for any of the provisions of this bill.

The substitute was adopted.

Yeas, 65; Nays, 0.

Yeas:

Messrs.:			
Mr. Speaker	Goodwyn	Norman (Bullock)	Sanderson
Adams	Goolsby	Norman (Lowndes)	Sanford
Arnold	Hall	O'Neal	Shipman
Austin	Hamner	Owen (Etowah)	Sightler
Bateman	Hanks	Owens (Madison)	Sparks (Walker)
Bulger	Hare	Parish (Henry)	Staples
Burleson	Harrison	Parish (Pike)	Steele
Byars	Henson	Posey (Walker)	Taylor
Calhoun	Langdon	Propst	Tidmore
Carter	Livingston	Quarles	Todd
Castleberry	Matthews	Rayburn	Tolbert
Cook	Merrill	Reeder	Tompkins
Denson	Miller	Reid	Toomer
De Vane	Moore	Reynolds	Welch
Dominick	McDermott	Robertson (Cullman)	Whigham
Douglass	McGowin	Robinson (Lowndes)	Williams
Glover			

—65

And the bill:

S. 50. To Amend Sections Eleven (11) and Fifteen and one-half (15½) of an act "To further regulate, provide for and require bonds of county officials and employees, and clerks, deputies and employees in county offices; to prescribe and provide for the fixing of the amount or amounts thereof and approving, filing and recording of such bonds; to provide for the payment of the premiums on certain of said bonds when the same are made in surety companies; to provide upon what conditions and the manner in which sureties on such bonds now in force or hereafter made may be discharged therefrom; and to provide for and prescribe the manner in which additional bonds may be required of such officials, employees, clerks, deputies and employees and in which such bonds now in force or hereafter made may be reduced and the sureties thereon discharged from liability beyond the amount of such reduced bonds and providing for the vacation of his office by the failure of such official, employee, clerk and deputy to make new or additional bonds required hereunder and for the appointment of his successor," approved April 20, 1933, and found in General and

Local Acts of Alabama, Special Session 1933, pages 203-208 inclusive.

As amended by the substitute, was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 65; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Goodwyn	Norman (Bullock)	Sanderson
Adams	Goolsby	Norman (Lowndes)	Sanford
Arnold	Hall	O'Neal	Shipman
Austin	Hamner	Owen (Etowah)	Sightler
Bateman	Hanks	Owens (Madison)	Sparks (Walker)
Bulger	Hare	Parish (Henry)	Staples
Burleson	Harrison	Parish (Pike)	Steele
Byars	Henson	Posey (Walker)	Taylor
Calhoun	Langdon	Propst	Tidmore
Carter	Livingston	Quarles	Todd
Castleberry	Matthews	Rayburn	Tolbert
Cook	Merrill	Reeder	Tompkins
Denson	Miller	Reid	Toomer
De Vane	Moore	Reynolds	Welch
Dominick	McDermott	Robertson (Cullman)	Whigham
Douglass	McGowin	Robinson (Lowndes)	Williams
Glover			

—65

H. 336. To Amend Section No. 8281 of the Code of Alabama of 1923, so as to read as follows:

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 55; Nays, 0.

Yeas:

Messrs.:

Adams	Hare	Owen (Etowah)	Shipman
Arnold	Harrison	Owens (Madison)	Sightler
Austin	Heflin	Parish (Henry)	Sparks (Barbour)
Burleson	Henson	Posey (Walker)	Sparks (Walker)
Calhoun	Langdon	Propst	Staples
Carter	Livingston	Quarles	Taylor
Castleberry	Matthews	Rayburn	Tidmore
Delony	Merrill	Reeder	Todd
Dominick	Miller	Reid	Tolbert
Douglass	Moore	Reynolds	Tompkins
Glover	McDermott	Robertson (Cullman)	Welch
Goodwyn	McPhaul	Robinson (Lowndes)	Whigham
Goolsby	Norman (Bullock)	Sanderson	Williams
Hanks	O'Neal	Sanford	

—55

On motion of Mr. Calhoun the bill, H. 336, was ordered sent forthwith to the Senate without engrossment.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 399. To relieve all persons in Lauderdale County, Alabama, of any legal obligation to work on the public roads or streets in said county, or to pay any money in lieu of such obligation to work on the public roads or streets in Lauderdale County, Alabama.

Also:

H. 379. To provide for the drawing, summoning and empaneling of the juries for the Circuit Courts of Marshall County, and in every way providing a special jury law for Marshall County, and repealing all laws or parts of laws in conflict with the provisions of this Act.

Also:

H. 393. To provide for the payment to the Clerk and/or the Shreiff of DeKalb County of all costs and fees accruing after the passage of this Act which would otherwise be payable out of the Fine and Forfeiture Fund of DeKalb County to be paid quarterly out of the General Fund of said County instead of out of the Fine and Forfeiture Fund of said County; to provide for the method, manner and time of payment of the same and make the same a preferred claim against the General Fund of said County, and to provide that nothing in this Act contained shall otherwise affect the law with reference to the Fine and Forfeiture Fund of DeKalb County.

Also:

H. 304. To relieve all persons in Morgan County, Alabama, of any legal obligation to work on the public roads in said County, or to pay any money in lieu of such obligation, to work on the public roads in Morgan County, Alabama.

Also:

H. 303. To provide for the transfer of all cases pending on the docket of the inferior Court in precinct No. 10, Morgan County, Alabama, prior to June 15, 1935, to the Justice Courts in and for precinct 10 of Morgan County, Alabama; and to further provide for the issuance of writs of execution, writs of venditioni exponas and other processes on judgments rendered by the inferior Court in precinct No. 10, Morgan County, Alabama, June 15, 1935.

Also:

H. 394. To establish the Attalla-Gadsden Sanitary District in Etowah County, Alabama, and define the boundaries, powers, du-

ties and authority thereof; to create a commission composed of five resident adult citizens of said district as the governing body of said Sanitary District, and to define the jurisdiction, powers, duties and authority of said Commission and to fix the terms of office and provide for the appointment of the members thereof; to authorize said Sanitary District and said Commission to borrow money and issue bonds or other obligations to pay therefor, for the construction of sewer pipe lines, conduits and excavations and other structures and works in connection therewith and treatment or purification plants and other structures and appliances in connection therewith in said Sanitary District; to authorize and empower said Sanitary District and said Commission to charge and collect for the use of or the connecting with said sewer pipe lines, conduits and other structures and said treatment or purification plants and other structures, and to do all things and exercise all rights and powers heretofore conferred upon sanitary districts in the state, or which may hereafter be conferred upon them, by law, and to do all things necessary, proper or advantageous in the construction, establishment and maintenance of all structures, pipe lines, conduits or appliances in the collection, carrying away, disposal of, or treatment and purification of sewage, drainage and the like in said District, and to confer upon said Sanitary District the powers of a public corporation and of eminent domain for the acquirement of lands, properties, easements and rights of way and to authorize said Sanitary District and said Commission in the name thereof to sue and to be sued in the courts in matters relating to the property, property rights, construction, operation and maintenance of the business of said District in the collection, disposal, treatment and purification of sewage and the drainage in said District.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in the House amendment to the bill: S. 62. To declare the public policy of the State as to the control, elimination and prevention of increase of wet, swamp or overflow lands, as affecting the public health, general welfare or public convenience or in aid of agriculture; to create each County of the State a drainage district for the purpose of this Act; to provide for the establishment and development of drainage subdistricts; to provide for or assist land owners in providing for, the prevention, elimination, or control of overflow waters, wet, swamp and over-

flow lands through the control of surface waters and soil erosion by means of drainage, ditching or terracing as related to said declared policy; to provide for the creation of County Boards of Drainage Commissioners; to provide general powers of the County Board of Revenue or Commissioners necessary to carry out the purposes of this Act; to provide for the assessment and collection of costs and expenses of establishing proper control of surface waters upon agricultural lands of this State; to promote, aid and assist the purposes of drainage districts organized under the "Alabama Drainage Law"; to confer the right of eminent domain to the extent necessary to carry into effect the purposes of this Act; and to provide for the repeal of laws in conflict with this Act in so far as they affect the operations of this Act.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following bills and sends same herewith to the House without engrossment:

By Mr. Walden:

S. 179. To authorize and empower the Court of County Commissioners of Henry County to expend an amount not to exceed one-third of the total amount that may be received from the levy and collection of the tax on gasoline under and by virtue of the House bill 324, of the regular session of the Legislature of 1935, approved by the Governor July 10, 1935, in payment of any debts heretofore created in the construction, repair or maintenance of the roads and bridges of the County including bonded indebtedness.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

AN ACT

To authorize and empower the Court of County Commissioners of Henry County to expend and amount not to exceed one-third of the total amount that may be received from the levy and collection of the tax on gasoline under and by virtue of the House Bill 324, of the regular session of the Legislature of 1935, approved by the Governor July 10, 1935, in payment of any debts heretofore created in the construction, repair or maintenance of the roads and bridges of the County including bonded indebtedness.

Be it enacted by the Legislature of Alabama:

Section 1. The Court of County Commissioners of Henry County is hereby authorized and empowered to expend an amount not to exceed one-

third of the total amount that may be received from the levy and collection of the tax on gasoline under and by virtue of House Bill 324, of the regular session of the Legislature 1935, approved by the Governor July 10, 1935, in payment of any debts heretofore created in the construction repair or maintenance of the roads and bridges of the County, including the road and bridges bonded indebtedness.

Section 2. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Section 3. That this Act shall take effect immediately upon its passage and approval by the Governor.

DAVE A. WALDEN,
Senator 35th Senatorial Dist.

PROOF OF PUBLICATION

THE STATE OF ALABAMA }
HENRY COUNTY }

Personally appeared before me the undersigned, a Notary Public within and for said County and State, Mrs. H. C. Mitchell, who, being duly sworn, deposes and says that she is the Business Manager of The Wiregrass Farmer, a newspaper published at Headland, in said County and State, and that the notice, To authorize and empower the Court of County Commissioners, a true copy of which is hereto attached, was published in said paper for 4 consecutive weeks, of the following dates:

Feb. 13, 1936; Feb. 20, 1936; Feb. 27, 1936; March 5, 1936.

MRS. H. C. MITCHELL,
Business Manager.

Subscribed and sworn to before me this the 20 day of March, 1936.

A. S. HODGES, JR.,
Notary Public.

By Mr. Rogers of Mobile:

S. 184. To place the Sheriff of Mobile County, Alabama, on a salary basis and to provide for the salary to be paid such officer; to provide the date on which such officer shall be placed on a salary basis; to provide for the manner of payment of the salary of such officer out of the County Treasury of Mobile County, Alabama; to provide for additional Deputies and the allowances for each of such officers and to provide the salaries and manner of payment of such salaries for such Deputies; to provide for payment into the treasury of Mobile County of all fees, fines and forfeitures collected by said Sheriff or any of the officers attached to his office.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that a bill will be introduced at the Special Session of the Legislature of 1936 in substance as follows:

A BILL
TO BE ENTITLED
AN ACT

To place the Sheriff of Mobile County, Alabama, on a salary basis and to provide for the salary to be paid such officer; to provide the date on which such officer shall be placed on a salary basis; to provide for the manner of payment of the salary of such officer out of the County Treasurer of Mobile County, Alabama; to provide for additional Deputies and the allowances for each of such officers and to provide the salaries and manner of payment of such salaries for such Deputies; to provide for payment into the treasury of Mobile County of all fees, fines and forfeitures collected by said Sheriff or any of the officers attached to his office.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Beginning immediately upon the adoption and ratification of a constitutional amendment which is to be submitted to the people of the State of Alabama at the general election in November, 1936, the Sheriff of Mobile County shall be paid on a salary basis for public services performed.

Section 2. After this act shall have become effective the Sheriff shall during the last five days of each and every month of the year pay into the County Treasury of Mobile County all fees, fines and forfeitures collected or received by him during the month or part thereof next preceding the date of such payment or settlement.

Section 3. Beginning immediately upon the adoption and ratification of the constitutional amendment referred to in Section 1 of this act the Sheriff of Mobile County shall receive the following yearly salary and may employ the following deputies who shall be appointed by the Sheriff and who may be discharged by the Sheriff with or without cause, and who shall be in addition to such deputies or employees presently attached to the Sheriff's Office whose offices have been created by legislative enactment and who shall receive the following salaries— The Sheriff of Mobile County shall receive a yearly salary of \$5,000.00 and he may employ in addition to such employees as are now presently attached to his office and constituted by legislative enactment the following: Four deputies at \$125.00 per month each and four additional deputies to serve him in such parts of the county as he may designate at \$50.00 per month each.

Section 4. During the last day of each and every month after this act shall have become effective, or on the next day thereafter in the event the last day of the month falls on Sunday, the Sheriff of Mobile County shall prepare a payroll upon which shall be listed the monthly salary due the Sheriff and the Deputies hereinabove provided entitled to pay for the preceding month, the said payroll to be prepared by the Sheriff of Mobile County detailing the amount due him and his deputies. Upon the completion of the payroll the Sheriff shall draw warrants on the County Treasury of Mobile County, Alabama, payable to the Sheriff and the Deputies herein provided. Said warrants shall be payable out of the County Treasury of Mobile County, Alabama. The salaries of the Sheriff and his Deputies shall be payable in monthly installments.

Section 5. The Sheriff shall receive such office equipment, stationery and other office supplies as are now provided for by law.

Section 6. All laws or parts of laws in conflict with this act in so far as they apply to Mobile County are hereby expressly repealed.

Section 7. If any provision or provisions of this act be held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not

affect the validity of any other provision or provisions not so declared to be invalid or unconstitutional.

Section 8. This act shall become effective and operative immediately upon the proclamation of the Governor declaring that the qualified electors of the State of Alabama have ratified the constitutional amendment authorizing the Legislature to place the Sheriff of Mobile County on a salary basis.

Wm. M. Curran, being duly sworn, says that he is Auditor of The Mobile Press and The Mobile Register; daily newspapers printed and published in the city and county of Mobile, state of Alabama; and that the attached notice appeared in the issues of The Mobile Press, March 13, 20, March 27; April 3, 1936.

WM. M. CURRAN,

Sworn to and subscribed before me this 6 day of April 1936.

D. E. KERN,

Notary Public.

(Seal)

By Mr. Thomas:

S. 185. For the relief of Elizabeth Jeffcoat, widow of C. P. Jeffcoat, and Eva Pickens, Zula Hill, Willie B. Dawson, Bessie Tucker and Minnie Binion, Children of C. P. Jeffcoat, deceased, and to authorize, empower and require the State Auditor of the State of Alabama, in behalf of the state to execute and deliver to the above named parties a deed without warranty or covenant of any kind on the part of the State, conveying to them all the right, title and interest of the State in and to certain real estate described in this Act, which real estate formerly belonged to said C. P. Jeffcoat in his lifetime and through inadvertence or mistake was assessed to parties other than C. P. Jeffcoat and was sold by the Tax Collector for unpaid taxes and which was purchased by the State.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

Notice is hereby given that there will be introduced in the present session of the Legislature of Alabama, a local bill for Chilton County, in substance as follows:

A BILL TO BE ENTITLED AN ACT"

For the relief of Elizabeth Jeffcoat, widow of C. P. Jeffcoat, and Eva Pickens, Zula Hill, Willie B. Dawson, Bessie Tucker and Minnie Binion, children of C. P. Jeffcoat, deceased, and to authorize, empower and require the State Auditor of the State of Alabama, in behalf of the state to execute and deliver to the above named parties a deed without warranty or covenant of any kind on the part of the State, conveying to them all the right, title and interest of the State in and to certain real estate described in this Act, which real estate formerly belonged to said C. P. Jeffcoat in his lifetime and through inadvertence or mistake was assessed to parties other

than C. P. Jeffcoat and was sold by the Tax Collector for unpaid taxes and which was purchased by the State.

Whereas, C. P. Jeffcoat, a resident citizen of Chilton County, Alabama, in his lifetime was the owner of the Southeast Quarter of the Southeast Quarter of Section 2, Township 21, Range 11, and also the East Half of the Southwest Quarter of the Southeast Quarter, Section 2, Township 21, Range 11, all of the same being situated in Chilton County, Alabama, and

Whereas, through inadvertence or mistake the said C. P. Jeffcoat or his heirs for twelve years assessed and paid taxes on other lands not owned by said Jeffcoat or his heirs, thinking and believing said assessment and payment of taxes were being made and paid upon the above described property owned by said Jeffcoat and his heirs, the amount of said taxes being approximately \$120.00, and Whereas, the taxes due upon said lands owned by said Jeffcoat and his heirs has not exceeded approximately \$80.00 during the same period of time, and Whereas, the State of Alabama and the County of Chilton have each received more taxes than were due during the past twelve years on account of said wrong assessment and payment of taxes and Whereas, the said C. P. Jeffcoat has died intestate and left surviving a widow, Elizabeth Jeffcoat, and the following children: Evie Pickens, Zula Hill, Willie B. Dawson, Bessie Tucker and Minnie Binion, and Whereas, the Southeast Quarter of the Southeast Quarter of Section 2, Township 21, Range 11, was sold by the Tax Collector on June 27, 1932, for taxes due the State and County and the East half of the Southwest Quarter of the Southeast Quarter of Section 2, Township 21, Range 11, was sold by the Tax Collector on November 20, 1933 for taxes due the State and County and said property was purchased by the State on the respective dates of said sale and Whereas, said lands are now owned by the State and said lands have not been redeemed or purchased from the State.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the State Auditor of the State of Alabama, on behalf of the State shall execute and deliver to Elizabeth Jeffcoat and Evie Pickens, Zula Hill, Willie B. Dawson, Bessie Tucker and Minnie Binion, a deed duly acknowledged, without warranty or covenant of any kind on the part of the State, expressed or implied, conveying to them all the right, title and interest of the State in and to the following described real estate:

The Southeast Quarter of the Southeast Quarter of Section 2, Township 21, Range 11, and the East Half of the Southwest Quarter of the Southeast Quarter, Section 2, Township 21, Range 11, Chilton County, Alabama.

Section 2. All laws and parts of laws in conflict with this Act are hereby expressly repealed.

C. B. COX,
Representative.

3-54tpd.

STATE OF ALABAMA
CHILTON COUNTY:

Before me, the undersigned Notary Public in and for said State and County, personally appeared Billy Smith, who being duly sworn, states that he is the Publisher of the Chilton County News, a newspaper published in said state and county, and that the attached "Notice of Local Bill" was published in said newspaper for four consecutive issues, dated March 5, 1936; March 12, 1936; March 19, 1936 and March 26, 1936.

BILLY SMITH,
Publisher.

Sworn and subscribed to before me this the 6th day of April, 1936.

W. L. SMITH,
Notary Public.
J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:
 Local Legislation No. One—S. 179, S. 184.
 Appropriations—S. 185.

BILL ON THIRD READING

H. 337. To Amend Section No. 8282 of the Code of Alabama of 1923, so as to read as follows:

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 55; Nays, 0.

Yeas:

Messrs.:

Adams	Hare	Owen (Etowah)	Shipman
Arnold	Harrison	Owens (Madison)	Sightler
Austin	Heflin	Parish (Henry)	Sparks (Barbour)
Burleson	Henson	Posey (Walker)	Sparks (Walker)
Calhoun	Langdon	Propst	Staples
Carter	Livingston	Quarles	Taylor
Castleberry	Matthews	Rayburn	Tidmore
Delony	Merrill	Reeder	Todd
Dominick	Miller	Reid	Tolbert
Douglass	Moore	Reynolds	Tompkins
Glover	McDermott	Robertson (Cullman)	Welch
Goodwyn	McPhaul	Robinson (Lowndes)	Whigham
Goolsby	Norman (Bullock)	Sanderson	Williams
Hanks	O'Neal	Sanford	

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On motion of Mr. Calhoun, the bill, H. 337, was ordered sent forthwith to the Senate without engrossment.

S. 51. To prohibit persons, firms or corporations operating steam railroads in intrastate transportation of persons and property within the State of Alabama unifying or consolidating freight or passenger depots, freight or passenger terminals, freight or passenger yard tracks, freight or passenger shops or any freight or passenger terminal facilities, within the State of Alabama, used in the intrastate transportation of persons or property, where such unification or consolidation will constitute an unreasonable burden upon intrastate commerce within the State of Alabama or is not consistent with the public interest.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 54; Nays, 1.

Yeas:

Messrs.:

Mr. Speaker	Glover	Owen (Etowah)	Sightler
Adams	Goodwyn	Owens (Madison)	Sparks (Barbour)
Arnold	Goolsby	Parish (Henry)	Sparks (Walker)
Bateman	Hamner	Posey (Walker)	Staples
Blann	Hanks	Propst	Steele
Burleson	Heflin	Quarles	Taylor
Byars	Hendley	Rayburn	Tidmore
Calhoun	Langdon	Reeder	Todd
Carter	Lusk	Reid	Tolbert
Castleberry	Matthews	Reynolds	Tompkins
Connor	Miller	Robertson (Cullman)	Welch
Delony	Moore	Sanderson	Whigham
Dominick	McDermott	Sanford	Williams
Douglass	Norman (Bullock)		

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Nay: Mr. Long

—1

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 62. To declare the public policy of the State as to the control, elimination and prevention of increase of wet, swamp or overflow lands as affecting the public health, general welfare or public convenience or in aid of agriculture; to create each County of the State a drainage district for the purpose of this Act; to provide for the establishment and development of drainage subdistricts; to provide for or assist land owners in providing for, the prevention, elimination or control of overflow waters, wet, swamp and overflow lands through the control of surface waters and soil erosion by means of drainage, ditching or terracing as related to said declared policy; to provide for the creation of County Boards of Drainage Commissioners; to provide general powers of the County Board of Revenue or Commissioners necessary to carry out the purposes of this Act; to provide for the assessment and collection of costs and expenses of establishing proper control of surface waters upon agricultural lands of this State; to promote, aid and assist the purposes of drainage districts organized under the "Alabama Drainage Law"; to confer the right of eminent domain to the extent necessary to carry into effect the purposes of this Act; and to provide for the repeal of laws in conflict with this Act in so far as they affect the operations of this Act.

S. 76. To further provide for and regulate annual, partial, or final settlements by Administrators, Executors, Guardians and

Trustees; to authorize the court having jurisdiction of any such settlements, to fix, determine and allow, upon such settlements, the fees or compensation of such Administrators, Executors, Guardians or Trustees, and to fix and allow compensation to be paid from any estate to attorneys representing any such administrators, executors, Guardians or Trustees; and to provide when any such annual or partial settlement shall be final and conclusive.

S. 90. To amend Sub-section D of Section 1 of an Act entitled: "An Act in relation to the educational system of Alabama: To make annual appropriations and provide funds for the support, maintenance and development of public education in Alabama, for the fiscal years ending September 30, 1936, 1937, 1938 and 1939, including all schools, agencies, services and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, the Alabama School of Trades & Industries, the Alabama College, the Alabama Polytechnic Institute and the University of Alabama. (Approved September 2, 1935.)"

S. 91. To amend, by adding Section 4½ and amending Section 5, an Act entitled: "An Act in relation to the public school system of Alabama: To make appropriations and provide funds for the support, maintenance, and development of the public school system of the State. (Approved September 2, 1935)"

S. 122. To amend Section 2 of an Act entitled "An Act to authorize and provide for the establishment of a fund to be known as the Minimum Program Fund, and to define procedures to be used in apportioning the Minimum Program Fund for the elementary and high schools in the various counties and cities of the State." (Approved September 2, 1935.)

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following joint resolution, and sends same herewith to the House:

By the Rules Committee:

S. J. R. 51. BE IT RESOLVED BY THE SENATE, the House concurring, that when the two houses adjourn today, they adjourn to meet at ten o'clock A. M. Wednesday, April 15th, 1936, and that when they adjourn Friday, April 17th, they adjourn sine die.

J. E. Speight,
Secretary.

SENATE MESSAGE

Mr. Dominick moved to suspend the rules for the immediate consideration of the resolution, S. J. R. 51, and the House refused to suspend the rules, lacking a four-fifths vote required by the rules.

Yeas, 41; Nays, 27.

Yeas:

Messrs.:			
Mr. Speaker	Hall	McGowin	Staples
Adams	Hare	Norman (Bullock)	Sparks (Barbour)
Austin	Harrison	Parish (Henry)	Shipman
Bateman	Lee (Bullock)	Posey (Walker)	Taylor
Bulger	Livingston	Propst	Tidmore
Burleson	Long	Quarles	Todd
Carter	Lusk	Reeder	Toomer
Connor	Matthews	Reid	Waldrep
De Vane	Moore	Robinson (Lowndes)	Welch
Dominick	McDermott	Sanford	Williams
Douglass			

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Nays:

Messrs.:			
Arnold	Goodwyn	Langdon	Reynolds
Blann	Hamner	Merrill	Sightler
Braswell	Hanks	Miller	Sparks (Walker)
Byars	Heflin	McPhaul	Steele
Castleberry	Hendley	Owen (Etowah)	Tolbert
Cook	Henson	Owens (Madison)	Tompkins
Delony	Kelly	Rayburn	

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The resolution, S. J. R. 51, was referred to the Standing Committee on Rules.

REPORT OF STANDING COMMITTEE ON RULES

Mr. Walker, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following joint resolution and ordered same returned to the House with a favorable report:

S. J. R. 51. Relative to sine die adjournment of the two Houses on Friday, April 17, 1936.

And the resolution was adopted.

BILLS INDEFINITELY POSTPONED

On motion of Mr. Lusk all House bills on the House Calendar were indefinitely postponed.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 12:30 o'clock P. M., April 14, 1936:

H. 99, H. 103, H. 122, H. 137, H. 158, H. 241.

E. F. Taylor,
Clerk.

ADJOURNMENT

On motion of Mr. McGowin the House adjourned until Wednesday, April 15, 1936, at 10 o'clock A.M.

TWENTY-THIRD DAY

House of Representatives,

Montgomery, Alabama,

April 15, 1936.

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. W. H. Knight,
Pastor, Baptist Tabernacle, Atlanta, Georgia.

ROLL CALL

On a call of the roll of the House the following members
answered to their names:

Messrs.:			
Mr. Speaker	Goolsby	Merrill	Sanderson
Adams	Hamner	Miles	Sanford
Arnold	Hanks	Miller	Shaver
Austin	Hare	Moore	Shipman
Bateman	Harrison	McDermott	Sightler
Blann	Heflin	McGowin	Sparks (Barbour)
Braswell	Hendley	McPhaul	Sparks (Walker)
Bridges	Henson	Norman (Lowndes)	Spence
Byars	Hill	O'Neal	Staples
Calhoun	Hodges	Owen (Etowah)	Steele
Carter	Hollis	Owens (Madison)	Street
Castleberry	Johnston	Parish (Henry)	Taylor
Chichester	Jones	Petrey	Terry
Connor	Kelly	Poole	Tidmore
Cook	Kirby	Posey (Walker)	Todd
Davis	Langdon	Propst	Tolbert
Delony	Lee (Bullock)	Quarles	Tompkins
Denson	Lee (Monroe)	Reeder	Waldrep
De Vane	Livingston	Reid	Welch
Dominick	Long	Reynolds	Whigham
Douglass	Lusk	Robertson (Cullman)	Williams
Glover	Matthews	Robinson (Lowndes)	Wright
Goodwyn			

A quorum was present.

REPORT OF STANDING COMMITTEE ON REVISION OF
JOURNAL

Mr. Speaker:

Your Standing Committee on the Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the House for the Twenty-Second Legislative Day and finds same correct.

R. L. Tolbert,
Vice-Chairman.

The report of the Standing Committee on the Revision of the Journal was adopted and the Journal of the House for the Twenty-Second Legislative Day was approved.

BILLS ON SECOND READING

Mr. Welch, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. McDowell:

S. 134. To amend Section 793, of the Code of Alabama, 1923.

By Mr. McDowell:

S. 135. To amend Section 798, of the Code of Alabama, 1923.

By Mr. McDowell:

S. 136. To amend Section 10342 of the Code of Alabama, 1923.

By Mr. Simpson:

S. 155. To amend an Act to establish a more humane system for caring for the needy aged in the State of Alabama and the several counties thereof by providing for old age pensions: to define the persons entitled thereto, and to provide for the ascertainment and determination of the qualifications of applicants therefor; to further provide for and regulate the payment of pensions under Article 1 of Chapter 55 of the Code of Alabama of 1923, as amended; to provide for the payment thereof; to make an appropriation for the same; to provide for a lien on the property of certain recipients of old age pensions and to provide for the enforcement thereof, to provide for the administration of such system and to define offenses against this Act and to fix punishment for such offenses; and to provide for cooperation with the Government of the United States and its agencies in caring for the needy aged; and to repeal all laws in conflict herewith.

By Mr. Moneyham:

S. 170. To provide for service of notice by tax collector on resident taxpayers when personal service or service by registered mail cannot be perfected as now provided by law.

Mr. Glover, Chairman of the Standing Committee on Local Legislation No. One, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Walden (with notice and proof):

S. 179. To authorize and empower the Court of County Commissioners of Henry County to expend an amount not to exceed one-third of the total amount that may be received from the levy and collection of the tax on gasoline under and by virtue of the House Bill 324, of the regular session of the Legislature of 1935, approved by the Governor July 10, 1935, in payment of any debts heretofore created in the construction, repair or maintenance of the roads and bridges of the County including bonded indebtedness.

Mr. Harrison, Chairman of the Standing Committee on Ways and Means, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Walden:

S. 169. To regulate the use of proceeds of State gasoline taxes by counties, to fix penalties for violation of this Act, and to repeal all laws in conflict herewith.

Mr. Britton, Chairman of the Standing Committee on Insurance and Insurance Companies, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Braswell:

H. 315. To further regulate fire and casualty insurers in the State of Alabama by requiring reports of all policies issued; to provide a penalty on any member or agent of the State Tax Commission for divulging the contents of such reports to any person other than a tax officer of the State and to provide a penalty for persons failing to make such reports.

The above and foregoing bills were severally read a second time and placed on the Calendar.

REPORT OF STANDING COMMITTEE ON ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Enrolled bills reports that it has examined the following House bills, and finds same correctly enrolled, to-wit:

H. 187. To authorize the Board of Revenue and Road Commissioners or other governing body of Mobile County to provide funds for the maintenance and operation of the Mobile County Department of Public Welfare; to repeal all laws in conflict herewith and to fix the time when this act shall become effective, and to provide that this act shall not be in force and effect after February 15th, 1939.

Also:

H. 303. To provide for the transfer of all cases pending on the docket of the inferior Court in precinct No. 10, Morgan County, Alabama, prior to June 15, 1935, to the Justice Courts in and for precinct 10 of Morgan County, Alabama; and to further provide for the issuance of writs of execution, writs of venditioni expostas and other processes on judgments rendered by the inferior Court in precinct No. 10, Morgan County, Alabama, June 15, 1935.

Also:

H. 304. To relieve all persons in Morgan County, Alabama, of any legal obligation to work on the public roads in said County, or to pay any money in lieu of such obligation, to work on the public roads in Morgan County, Alabama.

Also:

H. 353. To create in all cities in the State of Alabama, having a population of not less than fifty thousand and not more than sixty-seven thousand five hundred, according to the last or any subsequent Federal census, special funds to be known as "Police-men's And City Employees' Pension And Relief Funds;" to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the Police and all other City Departments except the Fire Department in said cities; to provide for the creation of such funds and for appropriations to make up deficit therein, and how such funds shall be raised or acquired; to provide who shall hear and decide applications for pensions and relief and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the Police and other City Departments except the Fire Department in said cities during their disabil-

ity, and for the retirement of such members on pension, either by reason of termination of office or disability; to provide for the pensioning of members of such Police and other City Departments except Fire Department after service therein; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide that members receiving benefits shall be bona fide residents of the County in which the pension is paid; to provide for gifts, donations, legacies, or otherwise, to be made to such funds, and for the appointment of trustees and a Board of Pensions for all purposes in connection herewith; to provide penalties for violations of the provisions of this Act; to provide when this Act shall take effect; and to provide that any section or provision of this Act being held unconstitutional shall not affect the validity of any other section or provision.

Also:

H. 379. To provide for the drawing, summoning and empanelling of the juries for the Circuit Courts of Marshall County, and in every way providing a special jury law for Marshall County, and repealing all laws or parts of laws in conflict with the provisions of this Act.

Also:

H. 393. To provide for the payment to the Clerk and/or Sheriff of DeKalb County of all costs and fees accrued after the passage of this Act which would otherwise be payable out of the Fine and Forfeiture Fund of DeKalb County to be paid quarterly out of the General Fund of said County instead of out of the Fine and Forfeiture Fund of said County; to provide for the method, manner and time of payment of the same and make the same a preferred claim against the General Fund of said County, and to provide that nothing in this Act contained shall otherwise affect the law with reference to the Fine and Forfeiture Fund of DeKalb County.

Also:

H. 394. To establish the Attalla-Gadsden Sanitary District in Etowah County, Alabama, and define the boundaries, powers, duties and authority thereof; to create a commission composed of five resident adult citizens of said district as the governing body of said Sanitary District, and to define the jurisdiction, powers, duties and authority of said Commission and to fix the terms of office and provide for the appointment of the members thereof; to authorize said Sanitary District and said Commission to borrow money and issue bonds or other obligations to pay therefor, for the construction of sewer pipe lines, conduits and excavations and

other structures and works in connection therewith and treatment of purification plants and other structures and appliances in connection therewith in said Sanitary District; to authorize and empower said Sanitary District and said Commission to charge and collect for the use of or the connecting with said sewer pipe lines, conduits and other structures and said treatment or purification plants and other structures, and to do all things and exercise all rights and powers heretofore conferred upon sanitary districts in the state, or which may hereafter be conferred upon them, by law, and to do all things necessary, proper or advantageous in the construction, establishment and maintenance of all structures, pipe lines, conduits or appliances in the collection, carrying away, disposal of, or treatment and purification of sewage, drainage and the like in said District, and to confer upon said Sanitary District the powers of a public corporation and of eminent domain for the acquirement of lands, properties, easements and rights of way and to authorize said Sanitary District and said Commission in the name thereof to sue and to be sued in the courts in matters relating to the property, property rights, construction, operation and maintenance of the business of said District in the collection, disposal, treatment and purification of sewage and the drainage in said District.

Also:

H. 399. To relieve all persons in Lauderdale County, Alabama, of any legal obligation to work on the public roads or streets in said county, or to pay any money in lieu of such obligation to work on the public roads or streets in Lauderdale County, Alabama.

Dan Gullett Cook,
Chairman.

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the title to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate bill, your signature thereto is requested:

S. 51. To prohibit persons, firms or corporations operating steam railroads in intrastate transportation of persons and property within the State of Alabama unifying or consolidating freight or passenger depots, freight or passenger terminals, freight or passenger yard tracks, freight or passenger shops or any freight or passenger terminal facilities, within the State of Alabama, used in the intrastate transportation of persons or property, where such unification or consolidation will constitute an unreasonable burden upon intrastate commerce within the State of Alabama or is not consistent with the public interest.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title to which is set out in the above and foregoing Message from the Senate.

RESOLUTIONS

The following resolutions were offered:

By Mr. Kelly:

H. J. R. 86. Be it resolved by the House of Representatives, the Senate concurring, that when the two Houses adjourn today they adjourn to meet at 10 A. M. Thursday, April 16, 1936.

By Mr. Calhoun:

H. J. R. 87. Be it resolved by the House, the Senate concurring, that when the two houses adjourn today, that they adjourn to meet Thursday, April 16, 1936, for the purpose of considering local bills only.

The resolutions were referred to the Standing Committee on Rules.

RECONSIDERATION OF VOTE

Mr. Hamner moved that the vote by which the House indefinitely postponed all House Bills on the Calendar on the last Legislative Day be reconsidered and the motion was adopted.

Yeas, 48; Nays, 22.

Yeas:

Messrs.:

Mr. Speaker	Dominick	Matthews	Robertson (Cullman)
Arnold	Douglass	Merrill	Robinson (Lowndes)
Austin	Goolsby	Miller	Shaver
Bateman	Hamner	Moore	Sightler
Braswell	Hanks	McDermott	Staples
Bridges	Hendley	Norman (Lowndes)	Steele
Calhoun	Henson	Owen (Etowah)	Street
Carter	Hill	Owens (Madison)	Taylor
Castleberry	Johnston	Parish (Henry)	Tolbert
Cook	Kelly	Petrey	Tompkins
Davis	Kirby	Quarles	Williams
Denson	Lee (Monroe)	Reid	Wright

—48

Nays:

Messrs.:

Adams	Hollis	Reynolds	Terry
Blann	Langdon	Sanderson	Tidmore
Byars	Long	Sparks (Barbour)	Todd
Connor	Poole	Sparks (Walker)	Waldrep
Delony	Posey (Walker)	Spence	Welch
Hodges	Propst		

—22

And the motion to indefinitely postpone all House bills on the Calendar was laid on the table.

BILLS ON THIRD READING

By Mr. Poole:

H. 313. A bill to be entitled an Act to submit to the qualified electors of the State of Alabama at the general election to be held November, 1936, for their consideration an amendment to the Constitution of the State of Alabama by amending Section 138 of Article 5 of the Constitution of Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of Alabama for their consideration as hereinafter set forth, viz. that Section 138 of Article 5 of the Constitution of Alabama be amended so as to read as follows: Section 138 of Article 5. A Sheriff shall be elected in each county by the qualified electors thereof who shall hold office for a term of four years unless sooner removed, and he shall be eligible to such office as his own successor. Whenever any prisoner is taken from jail, or from the custody of any sheriff or his deputy, and put to death, or suffers grievous bodily harm, owing to the neglect, connivance, cowardice, or other grave fault of the sheriff, such sheriff may be im-

peached under Section 174 of this Constitution. If the sheriff be impeached, and thereupon convicted, he shall not be eligible to hold any office in this State during the time for which he had been elected or appointed to serve as sheriff.

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in the State at least four consecutive weeks next preceeding the general election in November, 1936, of the election on the amendment proposed by this Act, to be submitted to the qualified electors of the State for their consideration, together with the proposed amendment.

Section 3. That at the general election in November 1936, an election shall be held by the qualified electors of the State upon the proposed amendment. Upon the ballots used at such election shall be printed the following: Amendment to the Constitution by amending Section 138 of Article 5.—A sheriff shall be elected in each county by the qualified electors thereof who shall hold office for a term of four years unless sooner removed, and he shall be eligible to such office as his own successor. Whenever any prisoner is taken from jail or from the custody of any sheriff or his deputy, and put to death, or suffers greivous bodily harm, owing to the neglect, connivance, cowardice, or other grave fault of the sheriff, such sheriff may be impeached under Section 175 of this Constitution. If the Sheriff be impeached, and thereupon convicted, he shall not be eligible to hold any office in this State during the time for which he had been elected or appointed to serve as sheriff. Following the proposed amendment on a ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No." The choice of the elector shall be indicated by the cross mark by him opposite the word expressing his desire.

Section 4. The officers of such general election shall open a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon such proposed amendment, the votes cast thereat shall be canvassed, tabulated, and the returns thereof made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The results of such election shall be made known by proclamation of the Governor.

Section 5. Provided that at such general election the Circuit Judge or Judges of each Circuit in each County or Counties com-

prising their circuits, the Judge of Probate and the Circuit Court Clerk in each county or counties, or a majority of them, shall appoint at least one qualified elector and not more than two qualified electors to preserve order at each polling place, each such qualified elector to be vested with the power and authority of a Deputy Sheriff, such appointment to take the place and be in lieu of Deputy Sheriffs provided by law for other elections.

Was read a third time at length and defeated, lacking a three-fifths majority required by the Constitution.

Yeas, 52; Nays, 28.

Yeas:

Messrs.:

Arnold	Goodwyn	Lusk	Robertson (Cullman)
Austin	Goolsby	Merrill	Shipman
Bridges	Hamner	Miller	Sightler
Byars	Hanks	Moore	Staples
Calhoun	Hare	McDermott	Steele
Carter	Harrison	McPhaul	Street
Castleberry	Hendley	Owen (Etowah)	Taylor
Chichester	Hill	Parish (Henry)	Terry
Cook	Jones	Poole	Tidmore
De Vane	Kelly	Propst	Tolbert
Dominick	Langdon	Quarles	Whigham
Douglass	Lee (Bullock)	Reeder	Williams
Glover	Livingston	Reid	Wright

—52

Nays:

Messrs.:

Adams	Johnston	Norman (Lowndes)	Sanderson
Braswell	Kirby	O'Neal	Shaver
Delony	Lee (Monroe)	Owens (Madison)	Sparks (Walker)
Denson	Long	Petrey	Spence
Henson	Matthews	Posey (Walker)	Todd
Hodges	Miles	Reynolds	Tompkins
Hollis	McGowin	Robinson (Lowndes)	Welch

—28

H. 370. To further conserve, protect and develop oysters on the bottoms within the boundaries of the State of Alabama, to prohibit dredging except under regulation of the Alabama Oyster Commission, to regulate the size of container used in measuring a barrel of oysters, to fix a uniform tax on oysters, to provide for license for dredging oysters and method for collecting tax on oysters harvested and disposition of same, to require State tax on gasoline and motor oil used in operation of boats for taking oysters and shrimp, and freighters hauling same from where such oysters and shrimp are caught to the processing plants and raw oyster houses to be covered into the Oyster Fund, to authorize the Alabama Oyster Commission to open and close oyster reefs

and planted oyster bottoms when in their opinion necessity requires it; to require and provide for licenses for persons, firms, corporations or associations to engage in the business of packing, canning, processing or dealing in oysters or transporting oysters; to require and provide licenses for brokers, dealers, commission men, hucksters or other persons, firms, corporations or associations who wholesale or retail oysters; to authorize the Alabama Oyster Commission to regulate the time, manner and means for shipping or transporting oysters and shrimp beyond the boundaries of the State of Alabama; to regulate the time, manner and means for planting oysters or oyster shells; to further provide for the duties of oyster inspectors and other employees of the Alabama Oyster Commission; by regulation to protect oyster bottom lessees in their rights as such lessees; to make it unlawful to resist arrest for violation of the provisions of this Act or any regulation based thereunder or to refuse any inspection of premises where oysters or other seafoods are kept or stored or to conspire or agree with any person, firm, corporation or association to evade any of the provisions of this Act or regulations based thereunder or any laws heretofore or hereafter enacted or the regulations based thereunder; to make it unlawful to remove or destroy any buoy, stake or other marker authorized to be set or placed by the Alabama Oyster Commission; to make it unlawful to take, catch or attempt to take or catch oysters or shrimp by the use of any unlicensed boat; to make it unlawful for any person, firm, corporation or association to buy or sell oysters or shrimp taken by means of an unlicensed boat or unlicensed tonger or dredge; to provide for minimum size of oyster or shrimp which may be taken, bought or sold for commercial purposes; to provide license for trucks or other motor driven vehicles used in transporting oysters for commercial purposes; to provide for keeping records of all oysters or shrimp transported to market and provide for inspection of such record; to provide that before shrimp which have been taken or caught in the waters of this State or from the waters within the territorial jurisdiction of the State may be carried or transported out of the State, same shall be brought to a port of entry designated by the Alabama Oyster Commission and then and there the tax provided by law shall be paid; to provide for a tax on shrimp which are carried out of the State; and to provide how same may be taken or transported beyond the boundaries of the State; to provide that a violation of any of the provisions of this Act or regulations based thereunder shall be a misdemeanor; and to provide for penalties for violation of same, and to provide for the repeal of all laws in conflict with the provisions of this Act; to determine what shall constitute seafoods; to vest title to all

seafoods in the public waters of the State in the State of Alabama until title thereto has been legally divested; to give authority to the Oyster Commission to promulgate regulations relating to any and all seafoods which shall have the force and effect of law; to empower the Chief Enforcement Officer and the oyster inspectors to enforce all laws and regulations relating to the seafood industry; to require the captain of licensed boats to assist in making arrests for violation of laws and regulations relating to the seafood industry; to authorize the Oyster Commission to provide the necessary patrol boats and appoint deputy inspectors for such boats; to make it unlawful to catch, take or have oysters in possession at certain times of the year; to authorize the Commission to close the oyster season earlier than the first of May and open same later than the first of September when deemed necessary for the conservation and protection of oysters; to provide for proper culling of oysters; to provide for lessees of oyster bottoms to take uncultured oysters for planting purposes; to provide for the cultivation and development of oyster beds during the closed season; to provide restrictions for taking oysters from newly planted beds; to prohibit the taking or catching of oysters by any means between sunset and sunrise; to provide for licensing of all boats before beginning operation in the taking of oysters, shrimp or other seafoods; to authorize the Commission to have printed signs, words and/or numbers and require same to be posted on licensed boats; to provide privilege taxes and require same to be paid by factories or other establishments before they pack, can or process oysters or shrimp and on raw oyster shippers; to authorize the Commission to make agreements with other States relating to the catching and/or transporting of oysters from or into the State of Alabama for planting or for commercial purposes.

Was taken up. The question was on the adoption of the amendment reported by the Standing Committee on Game, Fish and Fisheries, said committee amendment being as follows:

Amend H. B. 370 by striking out entirely Section 24 from said bill.

And the amendment was adopted.

Yeas, 69; Nays, 3.

Yeas:

Messrs.:

Mr. Speaker	Carter	Dominick	Harrison
Arnold	Castleberry	Douglass	Heflin
Austin	Chichester	Glover	Hendley
Bateman	Connor	Goolsby	Henson
Blann	Cook	Hamner	Hill
Bridges	Delony	Hanks	Hodges
Calhoun	Denson	Hare	Hollis

Johnston	McGowin	Reeder	Terry
Jones	McPhaul	Reid	Tidmore
Kelly	Norman (Lowndes)	Robertson (Cullman)	Todd
Langdon	O'Neal	Robinson (Lowndes)	Tolbert
Lee (Monroe)	Owen (Etowah)	Shaver	Tompkins
Livingston	Owens (Madison)	Sparks (Barbour)	Waldrep
Lusk	Parish (Henry)	Sparks (Walker)	Welch
Matthews	Petrey	Spence	Whigham
Merrill	Propst	Staples	Williams
Miles	Quarles	Steele	Wright
Miller			

—69

Nays: Messrs.: McDermott, Posey (Walker) Taylor

—3

And the bill:

H. 370. To further conserve, protect and develop oysters on the bottoms within the boundaries of the State of Alabama, to prohibit dredging except under regulation of the Alabama Oyster Commission, to regulate the size of container used in measuring a barrel of oysters, to fix a uniform tax on oysters, to provide for license for dredging oysters and method for collecting tax on oysters harvested and disposition of same, to require State tax on gasoline and motor oil used in operation of boats for taking oysters and shrimp, and freighters hauling same from where such oysters and shrimp are caught to the processing plants and raw oyster houses to be covered into the Oyster Fund, to authorize the Alabama Oyster Commission to open and close oyster reefs and planted oyster bottoms when in their opinion necessity requires it; to require and provide for licenses for persons, firms, corporations or associations to engage in the business of packing, canning, processing or dealing in oysters or transporting oysters; to require and provide for license for brokers, dealers, commission men, hucksters or other persons, firms, corporations or associations who wholesale or retail oysters; to authorize the Alabama Oyster Commission to regulate the time, manner and means for shipping or transporting oysters and shrimp beyond the boundaries of the State of Alabama; to regulate the time, manner and means for planting oysters or oyster shells; to further provide for the duties of oyster inspectors and other employees of the Alabama Oyster Commission; by regulation to protect oyster bottom lessees in their rights as such lessees; to make it unlawful to resist arrest for violation of the provisions of this Act or any regulation based thereunder or to refuse any inspection of premises where oysters or other seafoods are kept or stored or to conspire or agree with any person, firm, corporation or association to evade any of the provisions of this Act or regulations based thereunder or any laws heretofore or hereafter enacted or the regulations based thereunder; to make it unlawful to remove or destroy any buoy, stake or other marker authorized to be set or placed by the Alabama Oyster Commission;

to make it unlawful to take, catch or attempt to take or catch oysters or shrimp by the use of any unlicensed boat; to make it unlawful for any person, firm, corporation or association to buy or sell oysters or shrimp taken by means of an unlicensed boat or unlicensed tonger or dredge; to provide for minimum size of oyster or shrimp which may be taken, bought or sold for commercial purposes; to provide license for trucks or other motor driven vehicles used in transporting oysters for commercial purposes; to provide for keeping records of all oysters or shrimp transported to market and provide for inspection of such record; to provide that before shrimp which have been taken or caught in the waters of this State or from the waters within the territorial jurisdiction of the State may be carried or transported out of the State, same shall be brought to a port of entry designated by the Alabama Oyster Commission and then and there the tax provided by law shall be paid; to provide for a tax on shrimp which are carried out of the State; and to provide how same may be taken or transported beyond the boundaries of the State; to provide that a violation of any of the provisions of this Act or regulation based thereunder shall be a misdemeanor; and to provide for penalties for violation of same, and to provide for the repeal of all laws in conflict with the provisions of this Act; to determine what shall constitute seafoods; to vest title to all seafoods in the public waters of the State in the State of Alabama until title thereto has been legally divested; to give authority to the Oyster Commission to promulgate regulations relating to any and all seafoods which shall have the force and effect of law; to empower the Chief Enforcement Officer and the oyster inspectors to enforce all laws and regulations relating to the seafood industry; to require the captain of licensed boats to assist in making arrests for violation of laws and regulations relating to the seafood industry; to authorize the Oyster Commission to provide the necessary patrol boats and appoint deputy inspectors for such boats; to make it unlawful to catch, take or have oysters in possession at certain times of the year; to authorize the Commission to close the oyster season earlier than the first of May and open same later than the first of September when deemed necessary for the conservation and protection of oysters; to provide for proper culling of oysters; to provide for lessees of oyster bottoms to take uncultured oysters for planting purposes; to provide for the cultivation and development of oyster beds during the closed season; to provide restrictions for taking oysters from newly planted beds; to prohibit the taking or catching of oysters by any means between sunset and sunrise; to provide for licensing of all boats before beginning operation in the taking of oysters, shrimp or other seafoods; to au-

thorize the Commission to have printed signs, words and/or numbers and require same to be posted on licensed boats; to provide privilege taxes and require same to be paid by factories or other establishments before they pack, can or process oysters or shrimp and on raw oyster shippers; to authorize the Commission to make agreement with other States relating to the catching and/or transporting of oysters from or into the State of Alabama for planting or for commercial purposes.

As amended was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 58; Nays, 5.

Yeas:

Messrs.:

Mr. Speaker	Hamner	McDermott	Sparks (Walker)
Arnold	Hare	McGowin	Spence
Austin	Harrison	McPhaul	Staples
Bateman	Hendley	Norman (Lowndes)	Steele
Blann	Henson	Owen (Etowah)	Street
Braswell	Hill	Parish (Henry)	Terry
Bridges	Hodges	Petrey	Tidmore
Calhoun	Hollis	Poole	Todd
Castleberry	Johnston	Propst	Tolbert
Delony	Kelly	Quarles	Tompkins
Denson	Langdon	Reeder	Waldrep
Dominick	Lee (Bullock)	Reynolds	Welch
Douglass	Lee (Monroe)	Shaver	Williams
Glover	Merrill	Sightler	Wright
Goolsby	Miller		

—58

Nays:

Messrs.:

Long	Posey (Walker)	Reid	Taylor
Moore			

—5

On motion of Mr. McPhaul the bill, H. 370 was ordered sent forthwith to the Senate without engrossment.

H. 164. A bill to be entitled an Act to provide for and submit to the qualified electors of the State of Alabama at an election to be held on the first Tuesday after the first Monday November 1936, of the present session of the Legislature, an amendment to the Constitution of Alabama to be as follows: "Section 178 (one hundred, seventy-eight) in Article VIII of the Constitution of Alabama of 1901, shall be amended so that the same shall read as follows: Section 178. To entitle a person to vote at any election by the people, he shall have resided in the State at least two years, in the county one year, and in the precinct or ward three months, immediately preceding the election at which he offers to vote, and he shall have been duly registered as an elector, and shall have paid on or before the first day of February next preceding the

date of the election at which he offers to vote, all poll taxes due from him for the year nineteen hundred and thirty-three, and for each subsequent year, provided, that any elector who, within three months next preceding the date of the election at which he offers to vote, has removed from one precinct or ward to another precinct or ward in the same county, incorporated town, or city, shall have the right to vote in the precinct or ward from which he has so removed, if he would have been entitled to vote in such precinct or ward but for such removal. Nothing herein contained shall change, alter or abrogate the provisions of Amendment X Section 194½ to the Constitution of Alabama, but said Amendment shall continue in full force and effect."

Be it enacted by the Legislature of Alabama:

SECTION 1. The following amendment to the Constitution of Alabama is hereby proposed and an election by the qualified electors of the State of Alabama is hereby ordered upon such proposed amendment, and the date appointed for such election is the first Tuesday after the first Monday November 1936, at which this amendment is proposed. The proposed amendment is as follows: "Section 178 (one hundred, seventy-eight) in Article VIII of the Constitution of Alabama of 1901, shall be amended so that the same shall read as follows. Section 178. To entitle a person to vote at any election by the people, he shall have resided in the State at least two years, in the county one year, and in the precinct or ward three months, immediately preceding the election at which he offers to vote, and he shall have been duly registred as an elector, and shall have paid on or before the first day of February next preceding the date of the election at which he offers to vote, all poll taxes due from him for the year nineteen hundred and thirty-three and for each subsequent year, provided, that any elector who, within three months next preceding the date of the election at which he offers to vote, has removed from one precinct or ward to another precinct or ward in the same county, incorporated town, or city, shall have the right to vote in the precinct or ward from which he has so removed, if he would have been entitled to vote in such precinct or ward but for such removal. Nothing herein contained shall change, alter or abrogate the provisions of Amendment X, Section 194½ to the Constitution of Alabama, but said Amendment shall continue in full force and effect."

SECTION 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each county in the State for at least four (4) successive weeks next preceding the day hereby appointed for such election.

SECTION 3. That at the election on the amendment ordered

by this Act, the qualified electors of the State of Alabama shall vote upon such proposed amendment, and on the official ballots printed for said election there shall be printed the following: "Section 178 (one hundred, seventy-eight) in Article VIII of the Constitution of Alabama of 1901, shall be amended so that the same shall read as follows: Section 178, To entitle a person to vote at any election by the people, he shall have resided in the State at least two years, in the county one year, and in the precinct or ward three months, immediately preceding the election at which he offers to vote, and he shall have been duly registered as an elector, and shall have paid on or before the first day of February next preceding the date of the election at which he offers to vote, all poll taxes due from him for the year nineteen hundred and thirty-three, and for each subsequent year, provided, that any elector who, within three months next preceding the date of the election at which he offers to vote, has removed from one precinct or ward to another precinct or ward in the same county, incorporated town, or city, shall have the right to vote in the precinct or ward from which he has so removed, if he would have been entitled to vote in such precinct or ward but for such removal. Nothing herein contained shall change, alter or abrogate the provisions of Amendment X Section 194½ to the Constitution of Alabama, but said Amendment shall continue in full force and effect.

Yes.....

No....."

SECTION 4. That the votes cast in said election shall be counted, canvassed, tabulated and return made to the Secretary of State in the same manner as provided in elections for Representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such Amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

SECTION 5. Officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the Election Laws of the State for the appointment of officers to hold general elections in this State, and the election shall be held in all things in accordance with this Act, the law governing General Election, and the Constitutional provisions concerning amendments to the Constitution; the expenses of the election, including the cost of the publication of the notice

prescribed herein, shall be paid out of the same funds and in the same manner as expenses of General Elections.

Was read a third time at length and defeated, lacking a three-fifth majority required by the Constitution.

Yeas, 54; Nays, 27.

Yeas:

Messrs.:

Mr. Speaker	Douglass	Merrill	Reid
Adams	Glover	Miles	Robertson (Cullman)
Arnold	Goolsby	Moore	Sanderson
Bateman	Hamner	McDermott	Shaver
Braswell	Harrison	McPhaul	Shipman
Bridges	Heflin	Owen (Etowah)	Sparks (Walker)
Byars	Henson	Owens (Madison)	Spence
Calhoun	Hill	Parish (Henry)	Staples
Carter	Hodges	Petrey	Taylor
Castleberry	Johnston	Posey (Walker)	Todd
Connor	Jones	Propst	Tolbert
Cook	Kelly	Quarles	Williams
Delony	Kirby	Reeder	Wright
De Vane	Langdon		

—54

Nays:

Messrs.:

Austin	Livingston	Poole	Tidmore
Blann	Long	Reynolds	Tompkins
Davis	Lusk	Robinson (Lowndes)	Terry
Denson	Matthews	Sightler	Waldrep
Hanks	Miller	Sparks (Barbour)	Welch
Hare	McGowin	Steele	Whigham
Lee (Bullock)	Norman (Lowndes)	Street	

—27

PAIR ANNOUNCED

Mr. Goodwyn announced a pair with Mr. Chichester. If Mr. Chichester were present he would vote Yea and Mr. Goodwyn would vote Nay.

H. 11. A bill to be entitled an Act to provide and submit to the qualified electors of the State of Alabama, at the General Election to be held on the First Tuesday after the First Monday of November 1936, for their consideration an amendment to the Constitution of Alabama to be known and designated as ARTICLE _____, providing that the State Department of Public Education and/or Public Schools of Alabama, shall be deemed and declared a Primary Department of the State Government of Alabama, and shall be on a parity with all other Primary Departments of the State of Alabama in the proration and disbursement of the General Revenues of this State, and all appropriations made or which may hereafter be made to the State Board of Education, for the support, maintenance and operation of the Public Schools of the

State of Alabama, including all Elementary Schols, Junior High and Senior High schools, all Normal and Teacher Training schools, all Industrial and Vocational schools, Alabama Polytechnic Institute and the University of Alabama, and all other State Institutions of learning of whatever name known, shall be paid pro rata and in the same manner as other appropriations are paid to the other Primary Departments of the State Government of Alabama.

Be it enacted by the Legislature of Alabama:

SECTION 1. That the following amendment to the Constitution of the State of Alabama, to be known and designated as ARTICLE _____, be and the same is hereby proposed, and an election by the qualified electors of the State is hereby ordered upon the proposed amendment and the day for holding such election is hereby fixed and appointed as the First Tuesday after the First Monday of November 1936, which proposed amendment is as follows: ARTICLE _____ The State of Department of Public Education and/or Public Schools of Alabama shall be deemed and the same is hereby made a Primary Department of the Government of the State of Alabama, and shall be on a parity with all other Primary Departments of the State of Alabama, in the pro-ration and disbursement of the General Revenues of the State and all appropriations heretofore made or hereafter made to the State Board of Education, for the support, maintenance and operation of the Public Schools of the State of Alabama, including all Elementary schools, Junior High schools, Senior High Schools, all Normal and Teacher Training schools, all Industrial and Vocational schools, Alabama Polytechnic Institute, the University of Alabama, and other State Institutions of Learning which are or may hereafter be included in the Public School System of the State of Alabama, shall be paid pro rata and in the same manner as other appropriations are paid to the other Primary Departments of the State Government of Alabama.

SECTION 2. Notice of the election hereby ordered, together with the amendment, hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in each county in the State for Four successive weeks next preceding the date hereby appointed for such election. On the official ballot for such election shall be printed the proposed amendment immediately succeeding the words, "Shall the following be adopted as ARTICLE _____ of the Constitution of Alabama?" Immediately after the proposed amendment shall be printed the following: "Yes_____ No_____." The choice of the elector shall be indicated by a cross-mark made by such elector or un-

der elector's direction opposite the word expressing such elector's desire.

SECTION 3. The officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State and the election shall be held in all things in accordance with this Act, the laws governing general elections and the Constitutional provisions governing the adoption of amendments to the Constitution of Alabama.

SECTION 4. The votes cast at such election shall be canvassed, and tabulated and returns thereof made to the Secretary of State, and counted in the same manner as in elections for Representatives to the Legislature; if it shall thereupon appear that a majority of the qualified electors who voted in such election upon the proposed amendment voted in favor of same such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by proclamation of the Governor.

Was taken up. Mr. Kelly offered the following substitute for the bill, H. 11:

A BILL

To be entitled an Act to provide and submit to the qualified electors of the State of Alabama, at the General Election to be held on the first Tuesday after the first Monday of November, 1936, for their consideration, an amendment to the Constitution of Alabama to be known and designated as ARTICLE , providing that public education shall be deemed and declared a primary and essential function of the State Government of Alabama, and all existing appropriations or appropriations which may hereafter be made payable from the State General Fund to public education for the public schools of the State of Alabama, including all elementary schools, junior and senior high schools, for all normal and teacher training schools, for all industrial and vocational schools, for the Alabama Polytechnic Institute, the University of Alabama, and the Alabama College for Women, and for all other state institutions of learning of whatever name known, shall be paid in the same proportion as all other appropriations from such General Fund, except appropriations to pay the interest and principal of the public debt of Alabama and no appropriations shall now or hereafter be given a prior claim upon the General Fund of the State, except appropriations to pay the interest and principal of the public debt.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of the State of Alabama, to be known and designated as ARTICLE _____, be and the same is hereby proposed, and an election by the qualified electors of the State is hereby ordered upon the proposed amendment and the day for holding such election is hereby fixed and appointed as the first Tuesday after the first Monday of November, 1936, which proposed amendment is as follows: ARTICLE _____. Public education is hereby deemed and declared to be a primary and essential function of the State Government of Alabama, and all existing appropriations or appropriations which may hereafter be made payable from the State General Fund to public education for the public schools of the State of Alabama, including all elementary schools, junior and senior high schools, for all normal and teacher training schools, for all industrial and vocational schools, for the Alabama Polytechnic Institute, the University of Alabama, and the Alabama College for Women, and for all other state institutions of learning of whatever name known, shall be paid in the same proportion as all other appropriations from such General Fund, except appropriations to pay the interest and principal of the public debt of Alabama and no appropriations shall now or hereafter be given a prior claim upon the General Fund of the State, except appropriations to pay the interest and principal of the public debt.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in each county in the State for four successive weeks next preceding the date hereby appointed for such election. On the official ballot for such election shall be printed the proposed amendment immediately succeeding the words, "Shall the following be adopted as ARTICLE _____ of the Constitution of Alabama?" Immediately after the proposed amendment shall be printed the following: "Yes_____ No_____." The choice of the elector shall be indicated by a cross mark made by such elector or under such elector's direction opposite the word expressing such elector's desire.

Section 3. The officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State and the election shall be held in all things in accordance with this Act, the laws governing general elections and the constitutional provisions governing the adoption of amendments to the Constitution of Alabama.

Section 4. The vote cast at such election shall be canvassed and tabulated, and returns thereof made to the Secretary of State, and counted in the same manner as in elections for representatives of the Legislature; if it shall thereupon appear that a majority of the qualified electors who voted in such election upon the proposed amendment voted in favor of same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by proclamation of the Governor.

Mr. Harrison offered the following substitute for the substitute offered by Mr. Kelly:

Harrison substitute for Kelly substitute for H. 11:

A BILL

To be entitled an Act to propose an amendment to the Constitution of Alabama to be known and designated as Article XXIV thereof, to provide that it shall be unlawful for the Comptroller of the State of Alabama to draw any warrant or other order for the payment of money belonging to or administered by the State of Alabama upon the State Treasurer unless and until it shall have been certified to such Comptroller by such treasurer in writing that there is then in the hands of such treasurer money available and appropriated for the full payment of the same, and to provide that all appropriations now or hereafter made shall be either absolute or conditional, and to define absolute appropriations and conditional appropriations, and to provide which appropriations shall be absolute and which appropriations shall be conditional, and to provide that all unpaid conditional appropriations which exceed the amount of money in the State Treasury at the end of each fiscal year available for their payment, shall become null and void to the extent of such excess, and to prohibit any discrimination in the payment of conditional appropriations, and to order an election for the qualified electors of the State of Alabama upon such proposed Article XXIV, to be held on the first Tuesday after the first Monday in November, 1936.

Be it enacted by the Legislature of Alabama:

Section 1. That an amendment to the Constitution of the State of Alabama to be known and designated as Article XXIV is hereby proposed, the proposed amendment being as follows:

Article XXIV. Public education is hereby declared to be an essential and primary function of government in this State. It shall be unlawful for the Comptroller or like officer of the State of Alabama to draw any warrant or other order for the payment of money belonging to or administered by the State of Alabama upon

the State Treasurer unless and until it shall have been certified to such Comptroller or like officer by such Treasurer that there is then in the hands of such Treasury money available and appropriated for the full payment of the same. All appropriations now or hereafter made shall be either (a) Absolute, or (b) Conditional.

(a) The following shall be absolute appropriations, shall have preference over conditional appropriations, and to the limit of the money in the hands of the Treasurer available therefor, shall be payable in full in the order named:

1. Appropriations for payment of interest or principal or sinking fund on the public debt or on trust funds covered into the State Treasury.

2. Per capita appropriations to eleemosynary and correctional institutions and the care and maintenance of convicts.

3. Appropriations to make effective any constitutional provision setting apart any certain tax, excise, income or charge for a designated use or purpose, not including appropriations to be paid from the State's General Fund.

(b) All other appropriations shall be conditional appropriations, and shall be payable in full only in the event that after providing for payment of the absolute appropriations there remains in the hands of the Treasurer money available for the full payment of all such conditional appropriations; and in case there is insufficient money available for such full payment, then the money available to the limit of the money in the hands of the Treasurer available therefor, shall be prorated without any discrimination, and each such conditional appropriation shall be payable in the proportion which the money available bears to the total of all such conditional appropriations. At the end of each fiscal year all unpaid conditional appropriations which exceed the amount of money in the State Treasury subject to the payment of the same, after such proration, shall thereupon become null and void to the extent of such excess.

Section 2. An election by the qualified electors of the State upon such proposed amendment is hereby ordered, and the day hereby appointed for such election is the first Tuesday after the first Monday in November, 1936. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor which shall be published in one newspaper once a week in every county in the State for four successive weeks next preceding the day appointed for such election.

Section 3. At the election hereby ordered to be held the qualified electors shall vote on said proposed amendment; and on the official ballot printed for such election there shall be printed the

following; viz: "Shall the following be adopted as Article XXIV of the Constitution of Alabama?" This shall be followed by setting out said proposed amendment verbatim and in extense, and thereupon there shall be placed on said ballot the words:

"Yes....."

"No....."

The choice of the elector shall be indicated by a cross-mark made by him or under his direction expressing his desire.

Section 4. Officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State, and the election shall be held in all things in accordance with this Act, the law governing general elections, and the Constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof made to the Secretary of State in the same manner as in elections of representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted at said election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

And the substitute offered by Mr. Harrison for the substitute offered by Mr. Kelly was adopted.

Yeas, 41; Nays, 39.

Yeas:

Messrs.:

Mr. Speaker
Arnold
Byars
Calhoun
Carter
Connor
Cook
Davis
Delony
De Vane
Dominick

Glover
Hamner
Hanks
Harrison
Henson
Jones
Kirby
Langdon
Lee (Bullock)
Lusk

Matthews
McDermott
McGowin
McPhaul
O'Neal
Owen (Etowah)
Owens (Madison)
Parish (Henry)
Poole
Propst

Quarles
Robinson (Lowndes)
Sanderson
Shaver
Sparks (Barbour)
Staples
Taylor
Tolbert
Waldrep
Whigham

—41

Nays:

Messrs.:

Adams
Austin
Bateman
Blann

Braswell
Castleberry
Denson
Douglass

Goolsby
Hare
Heflin
Hendley

Hill
Hodges
Johnston
Kelly

Lee (Monroe)	Norman (Lowndes)	Sightler	Todd
Long	Petrey	Sparks (Walker)	Tompkins
Merrill	Posey (Walker)	Spence	Welch
Miles	Reid	Steele	Williams
Miller	Reynolds	Terry	Wright
Moore	Shipman	Tidmore	

—39

Mr. Kelly moved to indefinitely postponed the bill, H. 11, and pending substitute and the motion was lost.

Yeas, 9; Nays, 70.

Yeas:

Messrs.:

Blann	Kelly	Long	Merrill
Denson	Livingston	Lusk	Terry
Hare			

—9

Nays:

Messrs.:

Mr. Speaker	Hamner	McDermott	Shaver
Adams	Hanks	McGowin	Shipman
Arnold	Harrison	McPhaul	Sightler
Bateman	Heflin	Norman (Lowndes)	Sparks (Barbour)
Braswell	Hendley	O'Neal	Sparks (Walker)
Byars	Henson	Owen (Etowah)	Spence
Calhoun	Hill	Owens (Madison)	Staples
Carter	Hodges	Parish (Henry)	Steele
Castleberry	Johnston	Petrey	Taylor
Connor	Jones	Poole	Todd
Cook	Kirby	Posey (Walker)	Tolbert
Davis	Langdon	Propst	Tompkins
Delony	Lee (Bullock)	Quarles	Waldrep
De Vane	Lee (Monroe)	Reid	Welch
Dominick	Matthews	Reynolds	Whigham
Douglass	Miles	Robinson (Lowndes)	Williams
Glover	Miller	Sanderson	Wright
Goolsby	Moore		

—70

And the substitute offered by Mr. Kelly, as amended by the substitute offered by Mr. Harrison, was adopted.

Yeas, 74; Nays, 4.

Yeas:

Messrs.:

Mr. Speaker	Cook	Hill	McGowin
Adams	Davis	Hodges	McPhaul
Arnold	Delony	Johnston	Norman (Lowndes)
Austin	De Vane	Jones	O'Neal
Bateman	Dominick	Kirby	Owen (Etowah)
Blann	Douglass	Langdon	Owens (Madison)
Braswell	Glover	Lee (Bullock)	Parish (Henry)
Bridges	Goolsby	Lee (Monroe)	Petrey
Byars	Hamner	Matthews	Poole
Calhoun	Hanks	Miles	Posey (Walker)
Carter	Harrison	Miller	Propst
Castleberry	Heflin	Moore	Quarles
Connor	Henson	McDermott	Reid

Reynolds	Sparks (Barbour)	Terry	Waldrep
Robinson (Lowndes)	Sparks (Walker)	Tidmore	Welch
Sanderson	Spence	Todd	Whigham
Shaver	Staples	Tolbert	Williams
Shipman	Steele	Tompkins	Wright
Sightler	Taylor		

—74

Nays: Messrs.: Kelly, Long, Lusk, Merrill

—4

And the bill:

H. 11. A bill to be entitled an Act to provide and submit to the qualified electors of the State of Alabama, at the General Election to be held on the First Tuesday after the First Monday of November 1936, for their consideration an amendment to the Constitution of Alabama to be known and designated as ARTICLE _____, providing that the State Department of Public Education and/or Public Schools of Alabama, shall be deemed and declared a Primary Department of the State Government of Alabama, and shall be on a parity with all other Primary Departments of the State of Alabama in the proration and disbursement of the General Revenues of this State, and all appropriations made or which may hereafter be made to the State Board of Education, for the support, maintenance and operation of the Public Schools of the State of Alabama, including all Elementary Schools, Junior High and Senior High schools, all Normal and Teacher Training schools, all Industrial and Vocational schools, Alabama Polytechnic Institute and the University of Alabama, and all other State Institutions of learning of whatever name known, shall be paid pro rata and in the same manner as other appropriations are paid to the other Primary Departments of the State Government of Alabama.

Be it enacted by the Legislature of Alabama:

SECTION 1. That the following amendment to the Constitution of the State of Alabama, to be known and designated as ARTICLE _____, be and the same is hereby proposed, and an election by the qualified electors of the State is hereby ordered upon the proposed amendment and the day for holding such election is hereby fixed and appointed as the First Tuesday after the First Monday of November 1936, which proposed amendment is as follows: ARTICLE _____ The State Department of Public Education and/or Public Schools of Alabama shall be deemed and the same is hereby made a Primary Department of the Government of the State of Alabama, and shall be on a parity with all other Primary Departments of the State of Alabama, in the proration and disbursement of the General Revenues of the State and all appropriations heretofore made or hereafter made to the State Board of Education, for the support, maintenance and operation of the Public Schools of the State of Alabama, including all Ele-

mentary schools, Junior High schools, Senior High Schools, all Normal and Teacher Training schools, all Industrial and Vocational schools, Alabama Polytechnic Institute, the University of Alabama, and other State Institutions of Learning which are or may hereafter be included in the Public School System of the State of Alabama, shall be paid pro rata and in the same manner as other appropriations are paid to the other Primary Departments of the State Government of Alabama.

SECTION 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in each county in the State for Four successive weeks next preceding the date hereby appointed for such election. On the official ballot for such election shall be printed the proposed amendment immediately succeeding the words, "Shall the following be adopted as ARTICLE _____ of the Constitution of Alabama?" Immediately after the proposed amendment shall be printed the following: "Yes_____ No_____." The choice of the elector shall be indicated by a cross-mark made by such elector or under such elector's direction opposite the word expressing such elector's desire.

SECTION 3. The officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State and the election shall be held in all things in accordance with this Act, the laws governing general elections and the Constitutional provisions governing the adoption of amendments to the Constitution of Alabama.

SECTION 4. The votes cast at such election shall be canvassed, and tabulated and returns thereof made to the Secretary of State, and counted in the same manner as in elections for Representatives to the Legislature; if it shall thereupon appear that a majority of the qualified electors who voted in such election upon the proposed amendment voted in favor of same such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by proclamation of the Governor.

As amended by the substitute, was read a third time at length and passed by a three-fifths majority required by the Constitution.

Yeas, 68; Nays, 8.

Yeas:

Messrs.:

Mr. Speaker
Adams
Arnold

Austin
Bateman
Blann

Braswell
Byars
Calhoun

Carter
Castleberry
Connor

Cook	Hodges	Owens (Madison)	Sparks (Barbour)
Delony	Johnston	Parish (Henry)	Sparks (Walker)
De Vane	Jones	Petrey	Spence
Dominick	Langdon	Poole	Staples
Douglass	Lee (Bullock)	Posey (Walker)	Steele
Glover	Lee (Monroe)	Propst	Taylor
Goolsby	Matthews	Quarles	Tidmore
Hamner	Miller	Reid	Todd
Hanks	Moore	Reynolds	Tolbert
Harrison	McDermott	Robinson (Lowndes)	Tompkins
Heflin	McGowin	Sanderson	Waldrep
Hendley	McPhaul	Shaver	Whigham
Henson	Norman (Lowndes)	Shipman	Williams
Hill	Owen (Etowah)	Sightler	Wright

—68

*Nays:**Messrs.:*Denson
HareKelly
LongLusk
MerrillTerry
Welch

—8

Mr. Harrison moved to reconsider the vote by which the bill, H. 11, was passed and then moved to table the motion to reconsider and the motion to table the motion to reconsider was adopted.

On motion of Mr. Harrison the bill, H. 11 was ordered sent forthwith to the Senate without engrossment.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has non-concurred in the House amendment to the bill:

S. 117. To provide for a more economical, convenient and uniform system of assessing and collecting taxes on real estate in all counties having a population of forty thousand or more, according to the last Federal Census.

And requests a Committee of Conference.

Committee on part of the Senate Messrs. Simpson, Rogers of Mobile and Tucker.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Welch the House acceded to the request of the Senate for a Committee of Conference on the disagreement of the two Houses on the House amendment to the bill, S. 117, and the Speaker appointed as conferees on part of the House Messrs. Welch, McDermott and Dominick.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in the House amendment to the resolution:

S. J. R. 16. Relative to establishing the Alabama Commission on Interstate Cooperation.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 63. To revise, collate and codify into one Act the general statutes of the State of Alabama relating to the Militia, which Act shall constitute and be designated and cited as the Military Code of Alabama; to regulate and provide for the Military and Naval Forces of the State and promote the efficiency of these forces; to provide rules, regulations and means for their organization, armament, equipment, discipline, control and supervision; to provide for their maintenance, support and upkeep; to provide for their allocation, organization and equipment, discipline, training, and maintain these forces for State and National Emergencies in compliance with the provisions of the National Defense Act and Federal Laws governing the Naval Militia or Naval Reserves as now or as these acts may be hereafter amended; to provide a Department, to be designated and known as the Department of Military and Naval Affairs, for the purpose of administration of all provisions of this Act and the execution of all rules and regulations written under this Act; to provide means for the enforcement of this Act; to repeal all code sections and all acts and parts inconsistent with this Act; and to fix penalties and punishments for the violation of this Act.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in the House amendment to the bill:

S. 50. To amend Sections Eleven (11) and fifteen and one-half (15½) of an act "To further regulate, provide for and re-

quire bonds of county officials and employees, and clerks, deputies and employees, in county offices; to prescribe and provide for the fixing of the amount or amounts thereof and approving, filing and recording of such bonds; to provide for the payment of the premiums on certain of said bonds when the same are made in surety companies; to provide upon what conditions and the manner in which sureties on such bonds now in force or hereafter made may be discharged therefrom; and to provide for and prescribe the manner in which additional bonds may be required of such officials, employees, clerks, deputies and employees and in which such bonds now in force or hereafter made may be reduced and the sureties thereon discharged from liability beyond the amount of such reduced bonds and providing for the vacation of his office by failure of such official, employee, clerk and deputy to make new or additional bonds required hereunder and for the appointment of his successor" approved April 20, 1933, and found in General and Local Acts of Alabama, Special Session 1933, pages 203-208 inclusive.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following joint resolution:

By Mr. Walton:

S. J. R. 52. RESOLVED BY THE SENATE, the House concurring, that Senate Bill No. 51 be known and designated as the "Mooneyham-Taylor Act."

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. McDermott the rules were suspended and the resolution, S. J. R. 52, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following bills and sends same herewith to the House without engrossment:

By Mr. Browder:

S. 151. To specify what stated purposes shall control in the expenditure of the proceeds of certain special three-mill district school taxes or special three mill county school taxes where the petition for the tax election, the order of the county governing body calling the election, the notice of the election, or the official ballot provided vary in the statement of the purposes to which the proceeds of such tax shall be devoted; to provide that such variance shall not invalidate any such election or the levy and collection of taxes voted; to provide for the curing of such variances; and to provide further what constitutes submission of purposes to which the proceeds of such tax shall be devoted within the provisions of the Special School Tax Amendment to the State Constitution.

Also:

By Mr. Thomas:

S. 187. To abolish the Court of County Commissioners of Chilton County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

State of Alabama, Chilton County.

Notice is hereby given that a Bill will be introduced and its enactment sought, at the 1936 extraordinary session of the Legislature of Alabama, which Bill is in substance as follows, to-wit:

A BILL

To Be Entitled

AN ACT

To abolish the Court of County Commissioners of Chilton County, Alabama.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION ONE.

That the Court of County Commissioners of Chilton County, Alabama be and the same is hereby abolished.

SECTION TWO.

That this act shall become effective immediately upon its final passage and approval by the Governor of Alabama.

EARLE THOMAS,
Senator.

STATE OF ALABAMA,
CHILTON COUNTY:

Before me, the undersigned Notary Public in and for said State and County, personally appeared Billy Smith, who being duly sworn states that he is the Publisher of the Chilton County News, a newspaper published at Clanton in said State and County and that the attached "Notice of Local

Bill" was published in said newspaper for four consecutive issues, dated March 19, 1936; March 26, 1936; April 2, 1936 and April 9, 1936.

BILLY SMITH,
Publisher.

Sworn and subscribed to before me this the 9th day of April, 1936.

E. C. PARRISH,
Notary Public.

Also:

By Mr. Thomas:

S. 188. To create the office of County Solicitor of Chilton County, Alabama; to provide for his appointment and election, and the method of appointment in the event of a vacancy; to fix his salary and define his duties.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

State of Alabama, Chilton County.

Notice is hereby given that a Bill will be introduced and its enactment sought, at the 1936 extraordinary session of the Legislature of Alabama, which Bill is in substance as follows, to-wit:

A BILL

To Be Entitled

AN ACT

To create the office of County Solicitor of Chilton County, Alabama; to provide for his appointment and election, and the method of appointment in the event of a vacancy; to fix his salary and define his duties.

Be it Enacted by the Legislature of Alabama:

Section 1. That the office of County Solicitor is hereby created for the County of Chilton, State of Alabama.

Section 2. That the County Solicitor shall be elected by the qualified electors of the County of Chilton at the general election to be held for the election of State and County officers in November, 1936 and every four years thereafter, and he shall hold office from the first Monday after the second Tuesday in January next after his election and until his successor is elected and qualified.

Section 3. Vacancies in the office of said County Solicitor shall be filled by appointment by the Governor of Alabama and the appointee shall hold office until the next General election, for State and County officers after his appointment.

Section 4. It shall be the duty of the County Solicitor of Chilton County to perform all the duties now or hereafter prescribed by law for Deputy Solicitors in the State of Alabama.

Section 5. The County Solicitor of Chilton County, Alabama shall receive the sum of \$1200.00 per annum, payable monthly in the sum of \$100.00 by the County Treasurer of Chilton County, on warrant drawn by the Probate Judge of Chilton County, Alabama, on said Treasurer, on the

first day of each calendar month.

Section 6. That immediately after the final passage and approval of this act the governor shall appoint a County Solicitor for Chilton County, Alabama who shall hold office until the first Monday after the second Tuesday in January, 1937.

Section 7. The County Solicitor of Chilton County appointed and elected under this act, in addition to the duties herein above required shall represent and defend Chilton County in all civil and Equity suits, where said county is a party, either plaintiff or defendant, or Complainant or respondent and shall advise the Commissioners Court or Board of Revenue of Chilton County, Alabama on all legal matters affecting Chilton County, when requested to do so, by said court or Board of Revenue and also shall advise the County Treasurer or other legal custodians of the funds in Chilton County Alabama on all legal questions as to the proper and legal receipt, handling and disbursing of the funds or monies of Chilton County, Alabama, when requested to do so, by said Treasurer or other legal custodians of the funds of Chilton County, Alabama.

Section 8. The Commissioners Court or Board of Revenue of Chilton County, Alabama may upon request, in writing, by the County Solicitor of Chilton County hire or employ special counsel or other attorneys at Law to assist the County Solicitor in the prosecution or defense of any suit whether in law or equity, when Chilton County is a party to same and shall be authorized to pay said special counsel or attorneys at law a reasonable fee for their services, and the amount of the fee shall be determined and agreed upon at the time of entering into the contract of employment.

Section 9. Other than as provided herein the Commissioners Court or Board of Revenue of Chilton County, Alabama, shall not expend any monies belonging to Chilton County, Alabama in payment for legal services for County Attorney, or legal advisor to it.

Section 10. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Section 11. This Act shall become effective immediately upon its final passage and approval by the Governor of Alabama.

EARLE THOMAS,
Senator.

STATE OF ALABAMA, CHILTON COUNTY:

Before me, the undersigned Notary Public, in and for said State and County, personally appeared Billy Smith, who being duly sworn states that he is the Publisher of the Chilton County News, a newspaper published at Clanton in the said State and County, and that the attached "Notice of Local Bill" was published in said newspaper for four consecutive issues dated March 19, 1936; March 26, 1936; April 2, 1936 and April 9, 1936.

BILLY SMITH,
Publisher.

Sworn and subscribed to before me this the 9th day of April, 1936.

E. C. PARRISH,
Notary Public.

Also:

By Mr. Thomas:

S. 189. To abolish the office of Deputy Solicitor of Chilton County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

State of Alabama, Chilton County.

Notice is hereby given that a Bill will be introduced and its enactment sought, at the 1936 extraordinary session of the Legislature of Alabama, which Bill is in substance as follows, to-wit:

A BILL

To Be Entitled

AN ACT

To abolish the office of Deputy Solicitor of Chilton County, Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. That the office of Deputy Solicitor of Chilton County, Alabama be and the same is hereby abolished.

Section 2. That all laws and parts of laws in conflict with the provision of this act, in so far as they apply to Chilton County, Alabama, be and the same is hereby repealed.

Section 3. That this act shall become effective immediately upon its final passage and approval by the Governor of Alabama.

EARLE THOMAS,
Senator.

STATE OF ALABAMA,

CHILTON COUNTY:

Before me, the undersigned Notary Public in and for said state and County, personally appeared Billy Smith, who being duly sworn states that he is the Publisher of the Chilton County News, a newspaper published at Clanton in said state and county and that the attached "Notice Of Local Bill" was published in said newspaper for four consecutive issues dated, March 19, 1936; March 26, 1936; April 2, 1936 and April 9, 1936.

BILLY SMITH,
Publisher.

Sworn and subscribed to before me this the 9th day of April, 1936.

E. C. PARRISH,
Notary Public.

Also:

By Mr. Thomas:

S. 190. To establish a board of Revenue for Chilton County, Alabama, to consist of three members, one of which members shall be the chairman of said Board of Revenue; to divide Chilton County, Alabama into three districts to be known as Board of Revenue districts and define and establish the boundaries thereof; to provide that each of said districts shall have a member on said board; to confer upon the Board of Revenue all the powers, authority and jurisdiction now possessed or which may hereafter be possessed by Courts of County Commissioners, Boards of Revenue or other like governing bodies of the several counties of Alabama under the general laws; to provide for a clerk for said Board

of Revenue and prescribe and fix his duties and compensation and the compensation of the members of said Board of Revenue; to provide for the appointment and election of the members of said Board of Revenue and to fix their term of office, to provide the time this act shall become a law.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

State of Alabama, Chilton County.

Notice is hereby given that a Bill will be introduced and its enactment sought, at the 1936 extraordinary session of the Legislature of Alabama, which Bill is in substance as follows, to-wit:

A BILL

To Be Entitled

AN ACT

To establish a board of Revenue for Chilton County, Alabama, to consist of three members, one of which members shall be the chairman of said Board of Revenue; to divided Chilton County, Alabama into three districts to be known as Board of Revenue districts and define and establish the boundaries thereof; to provide that each of said districts shall have a member on said board; to confer upon the Board of Revenue all the powers, authority and jurisdiction now possessed or which may hereafter be possessed by Courts of County Commissioners, Boards of Revenue or other like governing bodies of the several counties of Alabama under the general laws; to provide for a clerk for said Board of Revenue and prescribe and fix his duties and compensation and the compensation of the members of said Board of Revenue; to provide for the appointment and election of the members of said Board of Revenue and to fix their term of office, to provide the time this act shall become a law.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION ONE.

That there is hereby created and established a Board of Revenue for Chilton County, Alabama, to consist of three members who shall each be a bona fide resident citizen of the district from which he is appointed or elected and shall during the time he serves as such, continue to reside in the district for which he is appointed or elected. Any member of said Board of Revenue who shall remove from said district during the term for which he was appointed or elected shall vacate said office. Each member of said Board shall be a qualified elector of Chilton County at the time of his appointment or election. The Board of Revenue herein created and established shall be known and called the Board of Revenue of Chilton County, Alabama. Each District hereinafter created shall be entitled to one member on said board.

SECTION TWO.

That for the purpose of this act and the enforcement thereof, the said Chilton County, Alabama, is hereby divided into three subdivisions to be known as Board of Revenue Districts and numbered respectively from one to three, both inclusive, viz.: District Number one shall embrace and be com-

posed of all that territory which constituted on November 2nd, 1926, beats or precincts numbered three (3), four (4), five (5), ten (10), and sixteen (16) of said County; District number two shall embrace and be composed of all that territory which constituted on November 2nd, 1926, beats or precincts numbered, six (6), seven (7), eight (8), fourteen (14), and fifteen (15) of said County; District number three shall embrace and be composed of all that territory which constituted on November 2nd, 1926, beats or precincts numbered one (1), two (2), nine (9), eleven (11), twelve (12) and thirteen (13), of said County.

SECTION THREE.

That there is hereby conferred upon the Board of Revenue of Chilton County, Alabama, all the jurisdiction, powers and authority now conferred or which may hereafter be conferred upon the Courts of County Commissioners, Boards of Revenue or other like governing bodies of the several counties of the State of Alabama, under the general law.

SECTION FOUR.

That the Board of Revenue of Chilton County, Alabama, shall have authority: (1) To direct and control the property of the county as it may deem expedient according to law, and in this direction and control it has the sole power to locate the courts in the rooms of the courthouse and to designate the rooms to be occupied by the different officers entitled to rooms therein, and to change the location of the courts, and the designation of rooms for officers, as it may deem best and most expedient, and this shall be done by order of the Board entered upon its minutes at a regular term of the Board.

(2) It shall be the duty of the Board to provide a janitor for the courthouse and to see that the janitor keeps clean and in a sanitary condition all the courtrooms, corridors, halls and offices in the courthouses of this respective county.

(3) To levy a general tax, for general, and a special tax, for special county purposes, according to the provisions of law.

(4) To examine, settle, and allow all accounts and claims chargeable against the county.

(5) To examine and audit the accounts of all officers, having the care, management, collection or disbursement of money belonging to the county, or appropriated for its use and benefit.

(6) To make such rules and regulations for the support of the poor in the county as are not inconsistent with any law of the state.

(7) To punish for contempt by fine, not exceeding ten dollars, and imprisonment not exceeding six hours.

(8) To establish, abolish, enlarge, or change stock law districts in the manner provided by law.

(9) To subpoena, examine and compel the attendance of witnesses, and the production of books and papers before the court, in the same manner as the probate court.

(10) To contract for and have made map or plat books showing all subdivisions of land that have been heretofore or that may hereafter be made in their respective counties.

(11) To compromise on such terms as they may deem just, all doubtful claims in favor of the county, when such claims arise on account of moneys heretofore paid, in good faith, by order of said Board of Commissioners Court.

(12) To make an appropriation, in no case to exceed seven hundred

and fifty dollars per year, to install and maintain an exhibit of the agricultural and mineral resources of this county.

(13) In the event that the poorhouse of the County should become insufficient or be destroyed or over crowded to appropriate not exceeding six dollars per calendar month per person for the upkeep and support of paupers or indigent persons residents of Chilton County, provided it shall not be lawful for said board to let the lowest bidder the maintenance of the poor.

(14) To pay, at the regular legal rate, for the advertising of notice and substance of local bills, which may be introduced in the legislature for the benefit of this county, or in reference to the subjects or matters exclusively relating to county business or affairs.

(15) To appropriate in each calendar year, such sums of money as they may deem proper or expedient, toward defraying the necessary expenses of the operation, support, upkeep and maintenance of each division of the naval militia of the state that may be located in such county.

(16) To procure and provide telephones for the offices of the circuit judge, the clerk and register of the circuit court, the offices of the sheriff and jailer, tax assessor and tax collector, and the judge of probate in their county, and to pay for the same out of the general funds of the county.

(17) To make appropriations out of the county treasurer, to pay premiums on livestock that may be exhibited in live stock shows held in the county.

(18) Where the state or federal authorities have taken up the work of farm demonstration, or the organization of farm life clubs, for the promotion of agriculture, to appropriate for aiding in such work such sum or sums as the board of revenue may deem adequate and necessary.

(19) To expend money for the purpose of improving the sanitary conditions of their county by laying trunk lines of sewers and constructing sewage disposal plants in localities contiguous to thickly populated communities and to prescribe the terms on which the owners of houses or householders may connect with such lines of sewers; but no such lines of sewers shall be laid without the written approval of the executive officers of the state board of health, such approval to be based on the belief that the laying of any proposed line will materially improve health conditions.

(20) To appropriate money to promote or enforce the health and quarantine laws of the state for the benefit of the county and its inhabitants, when requested so to do by the state board of health.

(21) To pay out of any funds in the county treasury, all the expenses, including a reasonable attorney's fee, incurred by the county treasurer in resisting the payment of any warrant, where said resistance on the part of the county treasurer is successful.

(22) To set aside such part of the revenue of the county as may be deemed expedient for the purpose of creating a sinking fund for the payment of bonds or other indebtedness, and to invest such sinking fund in such interest-bearing securities, or deposit the same on interest-bearing account, within the state, as said Board of Revenue may deem wise.

(23) To set aside, appropriate and use county funds or revenue for the purpose of developing, advertising, and promoting the agricultural, mineral, timber, water, labor and all other resources of every kind of their county, and for the purpose of locating and promoting agricultural, industrial, and manufacturing plants, factories, and other industries in their county.

(24) To exercise such other powers as are, or may be, given by law.

(25) To purchase books containing the reports of the Supreme and Appellate Courts of Alabama, for the use of the Circuit Court and Probate Court also such digests of such reports as may be required.

SECTION FIVE.

That within ten (10) days after the final passage and approval of this act, the Governor of Alabama shall appoint for each of districts, Numbered one, two and three, a member of said Board of Revenue of Chilton County, Alabama and the member appointed from District Number one (1) shall hold office until the first Monday after the second Tuesday in January 1941 and until his successor is elected and qualified and the member appointed from District Number two (2) shall hold office until the first Monday after the second Tuesday in January 1943 and until his successor is elected and qualified and the member appointed from District Number three (3) shall hold office until the first Monday after the second Tuesday in January 1945. That members of said Board of Revenue shall within ten (10) days after their appointment and qualification elect one of their members as Chairman of said Board of Revenue and the Chairman shall hold office, until the first Monday after the second Tuesday in January, 1941. That at the first meeting of the Board of Revenue of Chilton County, Alabama held on or after the first Monday after the second Tuesday in January 1941 and every two years thereafter, the members of the Board of Revenue of Chilton County, Alabama shall elect one of its members as Chairman of said Board of Revenue of Chilton County, Alabama, who shall be Chairman thereafter for two years and until his successor is elected.

SECTION SIX.

That at the general election to be held for the election of state and county officers, in Chilton County, Alabama in November, 1940 and each four years thereafter, there shall be elected by the qualified electors of District Number one (1) a member of the Board of Revenue of Chilton County, Alabama, who shall hold office from the first Monday after the second Tuesday in January 1941, to the first Monday after the second Tuesday in January 1945; that at the general election to be held for the election of state and county officers, in Chilton County, Alabama in November, 1942 and each four years thereafter, there shall be elected by the qualified electors of District Number two (2), a member of the Board of Revenue of Chilton County, Alabama, who shall hold office from the first Monday after the second Tuesday in January 1943 and to the first Monday after the second Tuesday in January, 1947; and at the general election to be held for the election of state and county officers, in Chilton County, Alabama in November, 1944 and each four years thereafter, there shall be elected by the qualified electors of District Number three (3), a member of the Board of Revenue of Chilton County, Alabama, who shall hold office from the first Monday after the second Tuesday in January 1945 to the first Monday after the second Tuesday in 1949. That each member of the clerk hereinafter provided for, of the Board of Revenue of Chilton County, Alabama shall before entering upon the duties thereof take the oath of office prescribed by law and file the same with the Probate Judge of Chilton County, Alabama and each of said members and clerk shall enter into a bond with good and sufficient surety, to be filed with and approved by the clerk of the Circuit Court and Chilton County, Alabama, in the sum of \$1000.00 and payable to the State of Alabama and conditioned to faithfully perform and discharge all the duties of said office during his continuance therein.

SECTION SEVEN.

That there shall be a clerk for said Board of Revenue whose compensation shall not be less than six hundred dollars or more than nine hundred dollars per annum, payable monthly upon the warrant of the Chairman of

said Board of Revenue. The chairman of said Board of Revenue shall within ten days after taking office as such appoint the Clerk for said board and shall prescribe and fix his compensation within the amounts above stated, which appointment and designation of salary shall be spread on the minutes of said board; that in the event the Chairman shall fail for said ten days to make the appointment of a clerk and prescribe his salary, then the board shall do so. The Clerk shall hold office as follows: The first clerk appointed shall hold office until the First Monday after the Second Tuesday in January 1941, and until his successor is appointed. Thereafter the Clerk shall hold office for two years. That the chairman of said board shall in the event of a vacancy of the office of clerk and at the expiration of the term of office of the clerk, within ten days thereafter make the appointment of the clerk, and failing to do so and prescribe the salary, the board shall make the appointment and fix the salary. It shall be the duty of the Clerk of said Board of Revenue to attend the meeting thereof and issue all notices required by it. The clerk, shall under the direction of said Board of Revenue, keep the minutes and records of the proceedings thereof, in well bound volumes provided for that purpose, said records to be kept in the office of the Board of Revenue, and to be open at all reasonable hours to the inspection of the citizens of the county and other interested persons; and the clerk shall perform such other duties as may be required of him by said Board of Revenue.

SECTION EIGHT.

The Chairman of said Board of Revenue of Chilton County, Alabama, shall receive a salary for his services of the sum of (\$1,000.00) One Thousand dollars, per annum, payable monthly out of the county treasury of Chilton County, Alabama, upon his warrant drawn thereon. The Chairman of said board shall be the presiding officer thereof and shall sign all warrants on the county treasury of money or funds of the county, and shall sign all contracts entered into by the Board of Revenue of Chilton County and shall sign all minutes of the meeting. It shall be the duty of the Chairman to prepare the order of business and obtain information for the regular and special sessions of the Board of Revenue and to see that all orders thereof are executed and in addition he shall perform all the duties now required of the Probate Judge as to matters coming before the Court of County Commissioners. That the compensation of the members of said Board of Revenue, except the Chairman shall be nine hundred dollars (\$900.00) each, per annum, payable monthly in the sum of seventy-five dollars by warrant drawn by the Chairman.

SECTION NINE.

That the regular meeting of said Board of Revenue shall be held on the first Monday of each month in the year except in the month of January, which shall be held on the first Monday after the second Tuesday in January, of each year and said board may continue in session at its regular meetings for 10 days. That special meetings of said Board of Revenue may be called and held as special meeting of the Court of County Commissioners are called and held. That the meetings of the Board of Revenue may be held by the Chairman and one other member or by two members without the Chairman.

SECTION TEN.

That said Board of Revenue of Chilton County, Alabama, when sitting as a court or exercising or performing judicial authority shall be a court of record.

SECTION ELEVEN.

That in the event of a vacancy in the office of Chairman or member of said Board of Revenue the same shall be filled by appointment of the Governor of Alabama.

SECTION TWELVE.

That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

SECTION THIRTEEN.

That this act shall take effect immediately after its final passage and approval, by the Governor of Alabama.

SECTION FOURTEEN.

That if any section or provision of this act, be void or unconstitutional, it shall not affect or destroy any other section or provision not in and of itself void or unconstitutional.

EARLE THOMAS,
Senator.

STATE OF ALABAMA,
CHILTON COUNTY:

Before me, the undersigned Notary Public in and for said State and County, personally appeared Billy Smith, who being duly sworn, states that he is the Publisher of the Chilton County News, a newspaper published at Clanton, in said State and County and that the attached "Notice of Local Bill" was published in said newspaper for four consecutive issues; dated March 19, 1936; March 26, 1936; April 2, 1936 and April 9, 1936.

BILLY SMITH,
Publisher.

Sworn and subscribed to before me this the 9th day of April, 1936.

E. C. PARRISH,
Notary Public.

Also:

By Mr. Kuykendall:

S. 196. To amend an Act, entitled "An Act, To abolish the office of deputy solicitor of Walker County, Alabama and to create in lieu thereof the office of County Solicitor of Walker County, Alabama, to provide for the appointment and the election of such officer by the qualified voters of said Walker County, to prescribe his powers, duties and qualifications and to provide for his compensation and the way in which same is to be paid, to fix the term of office, to provide for the election of his successor in office and to fix the time he shall take office and to repeal all general and local laws in conflict herewith in so far as they relate to said Walker County, Alabama, approved May 23, 1931."

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that a bill will be introduced at the present session of the Legislature of Alabama to amend An Act approved May 23, 1931, entitled "An Act to abolish the office of deputy solicitor of Walker County, Alabama, and create in lieu thereof the office of County Solicitor of Walker County, Alabama, to provide for the appointment and the election of such officer by the qualified voters of said Walker County, to prescribe his powers, duties and qualifications and to provide for his compensation and the way in which same is to be paid, to fix the term of his office, to provide for the election of his successor in office and to fix the time he shall take office and to repeal all general and local laws in conflict herewithin so far as they relate to said Walker County, Alabama."

That Section Two of said Act be Amended as follows: That on and after the first Monday after the Second Tuesday in January 1937, the term of office of the County Solicitor shall be six years and shall be elected at the general election of 1936, and every six years thereafter and shall hold office for a term of six years and until his successor is elected and qualified, That Section Five of said Act be Amended as follows: That on and after the first Monday after the second Tuesday in January, 1937, the salary of the County Solicitor for Walker County, Alabama, is hereby fixed at \$3600.00 per year, payable in twelve equal monthly installments on the last day of each month upon a warrant drawn upon the treasurer of the County by the Chairman of the Board of Revenue or other like governing body of Walker County, Alabama.

AFFIDAVIT

STATE OF ALABAMA }
WALKER COUNTY }

Before me, the undersigned authority in and for said State and County, this day personally appeared R. W. Boteler, Assistant Manager of The Mountain Eagle, a newspaper published in Jasper, Walker County, Alabama, which has a general circulation in the county in which it is published, which newspaper has been mailed under the second class privileges for fifty-two consecutive weeks prior to the publication of the Notice to amend An Act, who, being duly sworn, says that the legal notice, a copy of which is hereto attached, was published in the said Mountain Eagle four consecutive weeks, namely; March 19, 26, April 2 & 9, 1936.

THE MOUNTAIN EAGLE,

By R. W. Boteler,
Assistant Manager.

Sworn and subscribed to before me, this 9th day of April, 1936.

Mrs. Annie Davis,

(Seal)

Notary Public.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:
Education—S. 151.

Local Legislation No. One—S. 187, S. 188, S. 189, S. 190, S. 196.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 411. To relieve all persons in Shelby County, Alabama, and in any Municipality thereof, of and from any and all legal obligation to work on the public roads or streets in Shelby County, Alabama, or in any Municipality thereof, or to pay any money in lieu of such obligation to work on the public roads or streets in Shelby County, Alabama, or in any Municipality thereof, and to prohibit the levying and collecting of a per capita road or street tax in Shelby County, Alabama, or in any Municipality thereof.

Also:

H. 135. To amend an Act of the Legislature of Alabama approved August 4, 1931, entitled, "An Act to provide for the government and control by civil service regulations of the police department and fire department in cities of the State of Alabama operating under the commission form of government and which now have or which may hereafter have a population of as much as twenty four thousand and less than fifty thousand people, according to the latest or any succeeding Federal Census; to provide for a civil service board in such cities and fix their duties, authorities, powers, and compensation" so as to require all members of the police department in said cities to enter into bond conditioned for the faithful and proper performance of their duties as policemen before entering upon their duties, and to provide further that their appointment shall be revoked by the civil service board upon their failure to enter into such bond within ten days after said appointment.

Also:

H. 415. To amend an Act entitled an Act "To regulate and control the purchase of goods and supplies for Madison County by the Board of County Commissioners, or other like governing

body of Madison County," passed by the Legislature at its 1936 special session.

Also:

H. 170. To amend section 8 of an act entitled, "An Act to provide for the public safety; to regulate the operation of motor vehicles on the public highways, to provide for the registration and licensing of drivers or operators of motor vehicles and to fix the fees therefor. To authorize the State Highway Commission, with the approval of the Governor, to establish and promulgate reasonable rules and regulations concerning the operation of motor vehicles; to provide punishment and penalties for the violation of the provisions of this Act and of the rules and regulations authorized hereby; to provide for the suspension and revocation of driver's licenses issued; to authorize the appointment or employment of the necessary officers and agents, and the purchase of the necessary equipment to make the provisions hereof effective; and to provide for the compensation of the officers and agents so employed," approved September 2, 1935.

J. E. Speight,
Secretary.

RESOLUTION

Mr. Reynolds offered the following Resolution:

By Mr. Reynolds:

H. R. 88 Resolved that when the House adjourns today it adjourns to meet again at 10 A. M. Thursday, April 16.

And the resolution was referred to the Standing Committee on Rules.

RECESS

On motion of Mr. Poole the House recessed until three o'clock P. M.

TWENTY-THIRD DAY—AFTERNOON SESSION

The hour of three o'clock P. M. having arrived the House reconvened.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate bill, your signature thereto is requested:

S. 50. To Amend Sections Eleven (11) and Fifteen and one-half (15½) of an act "To further regulate, provide for and require bonds of county officials and employees, and clerks, deputies and employees in county offices; to prescribe and provide for the fixing of the amount or amounts thereof and approving, filing and recording of such bonds; to provide for the payment of the premiums on certain of said bonds when the same are made in surety companies; to provide upon what conditions and the manner in which sureties on such bonds now in force or hereafter made may be discharged therefrom; and to provide for and prescribe the manner in which additional bonds may be required of such officials, employees, clerks, deputies and employees and in which such bonds now in force or hereafter made may be reduced and the sureties thereon discharged from liability beyond the amount of such reduced bonds and providing for the vacation of his office by the failure of such official, employee, clerk and deputy to make new or additional bonds required hereunder and for the appointment of his successor," approved April 20, 1933, and found in General and Local Acts of Alabama, Special Session 1933, pages 203-208 inclusive.

J. E. Speight,
Secretary.

SIGNING SENATE BILL

The Speaker of the House in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown, and, as amended, has passed the following House bills, and returns same herewith to the House:

H. 159. To provide that certain officers of Lawrence County

shall receive an increase in pay as follows: The members of the Board of Revenue shall each receive four dollars (\$4.00) per day instead of three dollars (\$3.00) per day for services rendered to be paid from the gas tax fund and the Sheriff shall receive fifty dollars (\$50.00) per month for gas, oil and car upkeep expenses to be paid from the gas tax fund and to provide if it is illegal to pay these amounts to any of them from the gas tax fund they shall be paid from the general fund or any other unexpended county funds.

Also:

H. 271. To amend an act entitled, "An Act to Regulate Further the Financing of Public Improvements, to Permit the Reduction or Abatement of Assessments Therefor in Certain Cases, to Provide for the Refunding of Bonds Issued Therefor and to Validate Proceedings Heretofore Taken Relating Thereto in Cities Having a Population of as Many as Fifty Thousand and Less Than One Hundred Thousand People According to the Last Federal Census or any Such Census which may Hereafter be Taken," approved September 2, 1935, so as to make the provisions of said Act apply to cities having a population of twenty four thousand and less than one hundred thousand people according to the last Federal census or any such census which may hereafter be taken.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Byars the House concurred in and adopted the Senate amendment to the bill, H. 159, said Senate amendment being as follows:

A BILL

To be entitled an Act to provide that certain officers of Lawrence County, Alabama, shall each receive an increase in pay, as follows: the members of the Board of Revenue shall each receive four dollars (\$4.00) per day instead of three dollars (\$3.00) per day for service rendered, to be paid from the general fund of the County.

Be it enacted by the Legislature of Alabama:

Section 1. That on and after the passage of this Act, the members of the Board of Revenue of Lawrence County, Alabama, shall each receive an increase in pay, as follows: The members of the Board of Revenue shall each receive four dollars (\$4.00) per day for service rendered instead of three dollars (\$3.00) per day, such increase to be paid from the County general fund.

Section 2. All laws, general special or local, in conflict with the provisions of this Act, and only such laws as are in conflict, are hereby repealed.

Section 3. This Act shall take effect upon its passage and approval by the Governor.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	De Vane	Livingston	Sanford
Adams	Dominick	Long	Shaver
Arnold	Douglass	Lusk	Shipman
Austin	Glover	Merrill	Sightler
Bateman	Goolsby	Miles	Spence
Blann	Hanks	Miller	Steele
Boswell	Hare	Moore	Street
Braswell	Heflin	McGowin	Taylor
Bridges	Hendley	McPhaul	Terry
Byars	Henson	O'Neal	Todd
Calhoun	Hill	Petrey	Tompkins
Carter	Hodges	Poole	Waldrep
Connor	Hollis	Propst	Welch
Cook	Jones	Quarles	Whigham
Davis	Kelly	Reeder	Williams
Delony	Kirby	Reid	Wright
Denson	Langdon		

—66

On motion of Mr. Lusk the House concurred in and adopted the Senate amendment to the bill, H. 271, said Senate amendment being as follows:

Amend House Bill No. 271 as follows:

1. Amend the caption of House Bill No. 271 by striking out the words "twenty four" where the same appear therein, and substitute in lieu thereof the word "twenty."

2. Amend Section one of said House Bill No. 271 by striking the words "twenty four" where the same appear in said section and substitute in lieu thereof the word "twenty."

Yeas, 60; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Douglass	Kirby	Posey (Walker)
Braswell	Goodwyn	Langdon	Quarles
Byars	Hamner	Livingston	Rayburn
Castleberry	Hanks	Lusk	Robinson (Lowndes)
Chichester	Hare	Matthews	Sanderson
Connor	Heflin	Merrill	Sanford
Cook	Hendley	Miller	Shaver
Davis	Henson	McDermott	Shipman
Delony	Hill	McPhaul	Sightler
Denson	Hollis	Owen (Etowah)	Sparks (Barbour)
De Vane	Johnston	Owens (Madison)	Sparks (Walker)
Dominick	Jones	Parish (Henry)	Spence

Staples
Steele
Street

Taylor
Tidmore
Todd

Tompkins
Waldrep
Welch

Whigham
Williams
Wright

—60

MESSAGE FROM THE SENATE

Mr. Speaker :

The Senate has amended as therein shown, and, as amended, has passed the following House bill, and returns same herewith to the House :

H. 373. To amend Sub-section XVI of Section 1, and part 12 of Sub-section X, and Part 4 of Subdivision VIII of Section 1 of an Act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative and Judicial Departments of the State, for the interest on the public debt, and for the public schools", approved September 6, 1935.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. DeVane the House concurred in and adopted the Senate amendment to the bill, H. 373, said Senate amendment being as follows :

Substitute for H. 373 :

A BILL

To be entitled an Act to amend Part 7 of Sub-division VII of Section 1 and Sub-division XVI of Section 1, and Part 12 of Sub-division X of Section 1, and Part 4 of Sub-division VIII of Section 1, of an Act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative and Judicial Departments of the State, for the interest on the public debt, and for the public schools", approved September 6, 1935.

Be it enacted by the Legislature of Alabama :

Section 1. That Part 7 of Sub-division VII of Section 1 and subdivision XVI of Section 1, and Part 12 of Sub-division X of Section 1, and Part 4 of Sub-division VIII of Section 1, of an Act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative and Judicial Deartments of the State, for the interest on the public debt, and for the public schools", approved September 6, 1935, be and the same is hereby amended so as to read as hereinafter shown :

Section 2. That Part 7 of Sub-division VII of Section 1, of said Act be amended so as to read as follows:

7. Mining Department: For compensation of Chief Mine Inspector \$2,800.00; other salaries \$13,000.00; supplies and materials \$650.000; postage, telephone and telegraph \$675.00; travel expense \$4,480.00; printing and binding \$900.00; motor vehicle expense \$425.00; rent, lights heat and water \$865.00—\$23,795.00.

Section 3. That Part 4 of Sub-division VIII of Section 1 of said Act be amended so as to read as follows:

There is hereby appropriated for each of the four fiscal years ending respectively September 30, 1936, 1937, 1938 and 1939 to be paid out of any moneys in the treasury not otherwise appropriated, the several sums of money hereinafter specified, or so much thereof as may be necessary: State Service Commission: For the compensation of Commissioner \$2,400.00; other salaries \$8,000.00; supplies and materials \$500.00; postage, telephone and telegraph \$600.00; printing and binding \$120.00; travel expense \$3,000.00; insurance and bonding \$10.00; rent, lights, heat and water \$750.00—\$15,380.00.

Section 4. That Sub-division XVI of Section 1 of said Act be amended so as to read as follows:

“XVI. DEBT PAYMENT. 1. Harbor Improvement Bonds: For the year 1936 \$100,000.00; for the year 1937 \$175,000.00; for the year 1938 \$250,000.00; for the year 1939 \$250,000.00—\$775,000.00.

2. Sinking Fund for Class A Renewal, Class C Renewal and Funding Bonds \$250,000.00 for each of the four fiscal years ending respectively September 30, 1936, 1937, 1938 and 1938, provided, however, the condition of the treasury is such in the judgment and discretion of the Governor that such sums should not be paid into said sinking fund and the Governor is hereby vested with full power and authority to discontinue any or all of the annual appropriations provided for in this Sub-section 2.”

Section 5. That Part 12 of Sub-division X of Section 1 of “An Act to make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt, and for the public schools”, approved September 6, 1935, be amended so that the same shall read as follows:

“12. To the State Department of Public Welfare \$15,000.00. There is hereby appropriated out of any monies in the treasury to the State Department of Public Welfare for each of the four fiscal years ending respectively September 30, 1936, 1937, 1938 and 1939, the sum of \$250,000.00 which shall be used by the State De-

partment of Public Welfare for the purpose of public assistance including general home relief, outdoor and indoor care of persons in need of assistance and old age pensions and other purposes set out in an Act to create the State Department of Public Welfare, approved August 27, 1935, in accordance with and under the terms and conditions set forth and subscribed in an Act to create a Department of Public Welfare, etc., approved August 27, 1935, and appearing in the printed Acts of the Regular Session of 1935, on page 762.

This appropriation shall not be subject to the terms, conditions, provisions and limitations of the Budget and Financial Control Act.

This appropriation is made contingent upon the continued existence from year to year of the need for relief on the part of those herein provided for and whenever the Governor in his discretion shall determine that the need for any fiscal year is not sufficient to require the payment of the sum for such fiscal year, the Governor is vested with full discretion and authority to discontinue the appropriation for the year or any portion thereof as in his judgment may be to the best interest of the State of Alabama."

Section 6. This Act shall go into effect immediately upon its approval by the Governor.

Yeas, 64; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Douglass	Miller	Sanford
Adams	Goodwyn	McDermott	Shaver
Bateman	Hamner	McGowin	Shipman
Blann	Hanks	McPhaul	Sightler
Bridges	Hare	Norman (Lowndes)	Sparks (Walker)
Bulger	Heflin	Owen (Etowah)	Spence
Byars	Henson	Owens (Madison)	Staples
Castleberry	Hill	Parish (Henry)	Steele
Chichester	Johnston	Petrey	Tidmore
Connor	Kelly	Poole	Todd
Cook	Kirby	Posey (Walker)	Tompkins
Davis	Langdon	Quarles	Waldrep
Delony	Livingston	Rayburn	Welch
Denson	Lusk	Reid	Whigham
De Vane	Matthews	Robinson (Lowndes)	Williams
Dominick	Merrill	Sanderson	Wright

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following bills and sends same herewith to the House without engrossment:

By Mr. Woodall:

S. 144. To amend subsection 8 of subdivision (b) of Section 51 of Article 2 of an Act entitled, "An Act To provide a general system of legislation pertaining to public roads, highways and bridges, including therein the establishment of a State Highway Department and State Highway Commission; to create the office of Alabama Highway Director in Alabama; to define and regulate the powers, duties and authority of the State Highway Commission and of local authorities, boards of revenue, courts of county Commissioners, municipalities or like governing bodies; to provide authority and empower the Board of Administration to make agreements and contracts with the State Highway Commission for convict labor and let contracts for signs, advertising, etc., on highways; to define and provide rules of the road, including traffic regulations, penal violations, duties of owners and drivers and the regulation as to size, weight and equipment of motor vehicles moving over, along, or upon such roads; to provide for the establishment, discontinuance, working and maintenance of public roads, bridges and ferries; to provide for the establishment and maintenance of private roads; to provide for State Bonds for construction and maintenance of roads, issue and sale of Good Roads Day established; Offenses concerning toll bridges, turnpikes and causeways; protecting bridges from floating logs and to provide against injury to mill dams, bridges, canals and road gates; to provide for working of public roads, persons liable and persons exempt from road duty; to provide for railroad tracks, bridges, viaducts and tunnels; and the repeal of all laws and parts of laws in conflict with the provisions of this Act, except such laws pertaining to revenue," approved August 23, 1927, and known and designated as the "Alabama Highway Code".

Also:

By Mr. Mooneyham:

S. 164. To amend Section 3 of an Act approved March 10, 1933, entitled "An Act to provide for the designation by the Court of County Commissioners, Boards of Revenue or like Governing body depositaries for the official funds of County Tax Collectors, County Treasurers, Probate Judges, Circuit Court Clerks, Registers of the Circuit Court, and to provide for the designation by the County School Board depositaries for the school funds received by the County Treasurers of School Funds; and for the liability on the official bonds of County Tax Collectors, County Treasurers, Probate Judges, Clerks of the Circuit Courts, Registrers of the Circuit Court and County Treasurers of School Funds, in the event of

such designation by the Court of County Commissioners, Boards of Revenue or like governing body of such county depositaries, to provide for weekly disbursements and remittances by the County Tax Collectors, and as often as it may be necessary to prevent his having on hand at any one time for a period of more than twenty-four hours more than \$7,500.00 in the event depositaries are named or designated for them, and providing that claims against such depositaries shall be preferred claims."

Also:

By Mr. Walton:

S. 162. To amend Section 7 of an Act aproved September 2, 1935, entitled "An Act to regulate General Contracting".

Also:

By Mr. Walton:

S. 194. To make an appropriation to the State Department of Public Welfare to be used for the purposes of public assistance including general home relief, outdoor and indor care of persons in need of assistance and old age pensions and other purposes set out in an Act to create the State Deartment of Public Welfare, approved August 27, 1935; and to provide that said appropriation shall be paid immediately from the General Fund of the State and shall not be subject to the terms of the Budget and Financial Control Act, and can be discontinued in whole or in part at the discretion of the Governor.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

Revision of Laws—S. 144.

Revision of Laws—S. 164.

Judiciary—S. 162.

Appropriations—S. 194.

RESOLUTION

Mr. Harrison offered the following resolution:

By Mr. Harrison:

H. R. 89. Whereas, there is now pending in the Legislature H. B. 180, "To legalize and regulate the manufacture, sale and possession of alcohol, and alcoholic and malt beverages in Alabama; to create the office of Alcoholic Beverage Commissioner, to fix his

term of office, compensation, and powers, and provide for his appointment; to provide and levy a license upon the sale of alcohol and alcoholic and malt beverages, and to levy an excise tax thereon, and to regulate their manufacture, possession, sale and transportation, and to provide for the general revenue of the State of Alabama; and to repeal all laws in conflict with this Act." and,

Whereas, the Senate has adopted a number of amendments to said bill, and, whereas, the House is in doubt as to whether it requires a majority or two-thirds vote of the House to concur in said Senate amendments, the said H. B. 180 not being included in the Governor's call for an extra session, and for this reason requires a two-thirds vote to pass said bill, **therefore,**

Be it Resolved by The House, that the Justices of the Supreme Court of Alabama or a majority thereof are hereby requested to render to this body their written opinion as provided under Section 10290 of the Code of Alabama, as to whether amendments to the said H. B. 180 made by the Senate require a majority vote or a two-third vote of the House, to concur in same, without the appointment of a conference committee, and whether there is any further proceedings by the House necessary to perfect the passage of the bill, giving consideration to Sections 63, 64 and 76 of the Constitution of Alabama.

On motion of Mr. Harrison the rules were suspended and the resolution was adopted.

BILL ON THIRD READING

H. 312. To authorize and require the tax levied and collected under Article IX, Chapter 3 of Act No. 194 entitled "To provide for the general revenue of the State of Alabama, approved July 10, 1935" to be when collected paid into the Educational Trust Fund to be used exclusively for the payment of the salaries of the teachers of the State, and to provide penalty for violations of this Act.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 39; Nays, 18.

Yeas:

Messrs.:

Adams
Arnold
Bateman
Blann
Braswell
Cook
Delony
Goolsby
Hamner
Hendley

Henson
Hollis
Kelly
Langdon
Lee (Monroe)
Livingston
Lusk
Matthews
Merrill
Miles

Miller
McPhaul
O'Neal
Parish (Henry)
Petrey
Quarles
Rayburn
Robinson (Lowndes)
Sanderson
Shipman

Sightler
Sparks (Barbour)
Sparks (Walker)
Steele
Tidmore
Todd
Tompkins
Williams
Wright

Nays:

Messrs.:

Mr. Speaker
Castleberry
Connor
Davis
Denson

De Vane
Glover
Hanks
Harrison
Long

McDermott
Owen (Etowah)
Propst
Reeder

Reid
Shaver
Staples
Taylor

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following joint resolution:

By the Rules Committee:

S. J. R. 56. BE IT RESOLVED BY THE SENATE, the House concurring, that when the two houses adjourn today, they adjourn to meet again Thursday, April 16, 1936, at 11 A. M.

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Harrison the rules were suspended and the resolution, S. J. R. 56, was adopted.

BILL ON THIRD READING

H. 360. To provide for the conversion or exchange of coupon bonds into registered bonds of the same series, denominations and maturities and for the conversion or exchange of registered bonds into coupon bonds of the same series, denominations and maturities so that coupon bonds and registered bonds of the same series, denominations and maturities shall be interchangeable, at the option of the holder thereof, of all bonds of the State of Alabama of every kind and character heretofore issued which constitute a direct obligation of the State of Alabama and for the payment of which the full faith and credit of the State of Alabama is pledged; to provide for such conversions or exchanges; to fix the duties of the Governor and State Treasurer relative thereto; to fix the fees to be paid for such conversions or exchanges; to provide for the period during which no such conversions shall be made; to provide for an additional clerk for the State Treasurer; and to provide for the repeal of all laws and parts of laws, general, special, local and private, in conflict with the provisions of this Act."

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 60; Nays, 3.

Yeas:

Messrs.:

Mr. Speaker	Glover	Lusk	Robinson (Lowndes)
Adams	Goodwyn	Matthews	Sanderson
Arnold	Hamner	Merrill	Shaver
Bateman	Hanks	Miles	Shipman
Braswell	Harrison	Miller	Sightler
Bridges	Hendley	McDermott	Staples
Byars	Henson	O'Neal	Steele
Castleberry	Hill	Owen (Etowah)	Taylor
Connor	Johnston	Owens (Madison)	Tidmore
Cook	Jones	Parish (Henry)	Todd
Delony	Kelly	Poole	Waldrep
Denson	Kirby	Propst	Welch
De Vane	Langdon	Quarles	Whigham
Doster	Lee (Monroe)	Rayburn	Williams
Douglass	Livingston	Reeder	Wright

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Nays: Goolsby, Long, Tompkins

—3

On motion of Mr. Staples the bill, H. 360 was ordered sent forthwith to the Senate without engrossment.

BILLS INDEFINITELY POSTPONED

On motion of Mr. Lusk all House bills on the House calendar were indefinitely postponed.

RESOLUTION

Mr. Poole offered the following resolution:

By Mr. Poole:

H. J. R. 90. WHEREAS the Southern States are by nature adapted to the raising of cotton, and

WHEREAS cottonseed represents approximately 20% of the value of the entire cotton crop and is the second most important cash crop of southern farmers; and

WHEREAS the price of cottonseed is largely dependent upon the price of cotton oil and it in turn depends upon the uses to which it is put; and

WHEREAS the highest prices are paid for cottonseed oil when used for edible purposes, including the manufacture of margarine;

WHEREAS in the last three years it has been discovered that

the most superior brands of margarine can be made of cottonseed and peanut oils, and

WHEREAS national legislation is now in effect which puts an unfair tax on margarine, made from cottonseed oil and other wholesome domestic fats, and legislation is being proposed still further to discriminate against margarine;

AND WHEREAS we believe it is unfair and unAmerican to tax or otherwise discriminate against the wholesome products of one group of American farmers for the benefit of another group of farmers, where a product is sold in its own name and on its own merits and not in substitution for any other product; and

WHEREAS it is unfair to consumers, particularly of low income, to have a wholesome low cost food needed for adequate diet removed from the markets by discriminatory legislation;

NOW THEREFORE BE IT RESOLVED, In the interest of southern producers and of consumers everywhere, that the Legislature of Alabama hereby calls upon our representatives in Congress to lend their support and influence to repeal discriminatory restrictions which hinder the free and unmolested sale and use of margarine in the United States, and to prevent further discriminations in whatever way such discrimination may appear.

On motion of Mr. Poole the rules were suspended and the resolution, H. J. R. 90, was adopted.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same:

Delivered to the Governor at 11:20 o'clock A. M., April 15, 1936:

H. 187, H. 303, H. 304, H. 353, H. 393, H. 394, H. 399, H. 379.

E. F. Taylor,
Clerk.

ADJOURNMENT

On motion of Mr. Lusk the House adjourned until 11 o'clock A. M. Thursday, April 16, 1936.

TWENTY-FOURTH DAY

House of Representatives,

Montgomery, Alabama, April 16, 1936.

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. C. C. Wilkinson,
Pastor, Clayton Street Methodist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House the following members answered to their names:

Messrs.:			
Mr. Speaker	Glover	Matthews	Shaver
Adams	Goodwyn	Merrill	Shipman
Arnold	Goolsby	Miles	Sightler
Bateman	Haley	Miller	Sparks (Barbour)
Blann	Hamner	McDermott	Sparks (Walker)
Boswell	Hanks	McGowin	Spence
Braswell	Hare	McPhaul	Staples
Britton	Harrison	Norman (Lowndes)	Steele
Buffington	Heflin	O'Neal	Street
Bulger	Hendley	Owen (Etowah)	Taylor
Byars	Henson	Owens (Madison)	Terry
Carter	Hill	Parish (Henry)	Tidmore
Castleberry	Hollis	Parish (Pike)	Todd
Chichester	Johnston	Petrey	Tolbert
Connor	Jones	Poole	Tompkins
Cook	Kelly	Posey (Walker)	Toomer
Davis	Kirby	Propst	Waldrep
Delony	Langdon	Quarles	Wallace
Denson	Lee (Bullock)	Rayburn	Welch
De Vane	Lee (Monroe)	Reeder	Whigham
Dominick	Livingston	Reynolds	Williams
Doster	Long	Sanderson	Wright
Douglass	Lusk	Sanford	

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A quorum was present.

REPORT OF STANDING COMMITTEE ON REVISION OF
JOURNAL

Mr. Speaker:

Your Standing Committee on the Revision of the Journal begs
leave to report that said committee, in session, has carefully ex-

amined the Journal of the House for the Twenty-Third Legislative Day and finds same correct.

R. L. TOLBERT,
Vice-Chairman.

The report of the Standing Committee on the Revision of the Journal was adopted and the Journal of the House for the Twenty-Third Legislative Day was approved.

BILLS ON SECOND READING

Mr. Wright, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Browder:

S. 151. To specify what stated purposes shall control in the expenditure of the proceeds of certain special three-mill district school taxes or special three mill county school taxes where the petition for the tax election, the order of the county governing body calling the election, the notice of the election, or the official ballot provided vary in the statement of the purposes to which the proceeds of such tax shall be devoted; to provide that such variance shall not invalidate any such election or the levy and collection of taxes voted; to provide for the curing of such variances; and to provide further what constitutes submission of purposes to which the proceeds of such tax shall be devoted within the provisions of the Special School Tax Amendment to the State Constitution.

Mr. Welch, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. Stephens:

S. 82. To amend the title, and section 10, and section 16, and section 17, and to repeal section 11 of an act approved September 14, 1935, Entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such commission; to

accept the benefit of an Act of Congress, approved June 6, 1933, Entitled "An Act to provide for the establishment of a National employment system and for cooperation with the states in the promotion of such system and for other purposes", to provide for the creation of An Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this act; to establish an unemployment administration fund; to appropriate funds to maintain the same; and retain the right to amend or repeal this act." (1935 Acts, Page 950).

By Mr. Walton:

S. 162. To amend Section 7 of an Act approved September 2, 1935, entitled "An Act to regulate General Contracting".

Mr. Taylor, Vice-Chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Woodall:

S. 144. To amend subsection 8 of subdivision (b) of Section 51 of Article 2 of an Act entitled, "An Act To provide a general system of legislation pertaining to public roads, highways and bridges, including therein the establishment of a State Highway Department and State Highway Commission; to create the office of Alabama Highway Director in Alabama; to define and regulate the powers, duties and authority of the State Highway Commission and of local authorities, boards of revenue, courts of county Commissioners, municipalities or like governing bodies; to provide authority and empower the Board of Administration to make agreements and contracts with the State Highway Commission for convict labor and let contracts for signs, advertising, etc., on highways; to define and provide rules of the road, including traffic regulations, penal violations, duties of owners and drivers and the regulation as to size, weight and equipment of motor vehicles moving over, along, or upon such roads; to provide for the establishment, discontinuance, working and maintenance of public roads, bridges and ferries; to provide for the establishment and maintenance of private roads; to provide for State Bonds for construction and maintenance of roads, issue and sale of; Good Roads Day established; Offenses concerning toll bridges, turnpikes and causeways; protecting bridges from floating logs and to provide against injury to mill

dams, bridges, canals and road gates; to provide for working of public roads, persons liable and persons exempt from road duty; to provide for railroad tracks, bridges, viaducts and tunnels; and the repeal of all laws and parts of laws in conflict with the provisions of this Act, except such laws pertaining to revenue," approved August 23, 1927, and known and designated as the "Alabama Highway Code."

Mr. Walker, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following House joint resolution and ordered same returned to the House without recommendation:

By Forty-One Members (without recommendation):

H. J. R. 73. Requesting the Governor to include certain subjects in call for next extra session.

Mr. Walker, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Simpson:

S. 43. To provide that in all counties in this State having a population of Fifty Thousand or more according to the last or any subsequent Federal Census, the work of the probation of convicts shall be a County purpose; that the Board of Revenue, County Commission or other governing or like governing bodies of such Counties shall be authorized to expend County funds for such purpose; to provide that such governing bodies in all such counties shall have the power to appoint probation officers and to fix their compensation and to pay the same out of County funds; to provide regulations for arrest and detention of offenders by Probation Officers; to confer upon Probation Officers the same rights, powers, and duties as those conferred, under the law to deputy sheriffs; and to further provide when this Act shall become effective.

Mr. Glover, Chairman of the Standing Committee on Local Legislation No. One, reported that said committee, in session, had acted on the following bills and ordered same returned to the House without recommendation:

By Mr. Thomas (without recommendation) (with notice and proof):

S. 187. To abolish the Court of County Commissioners of Chilton County, Alabama.

By Mr. Thomas (without recommendation) (with notice and proof):

S. 190. To establish a board of Revenue for Chilton County, Alabama, to consist of three members, one of which members shall be the chairman of said Board of Revenue; to divide Chilton County, Alabama into three districts to be known as Board of Revenue districts and define and establish the boundaries thereof; to provide that each of said districts shall have a member on said board; to confer upon the Board of Revenue all the powers, authority and jurisdiction now possessed or which may hereafter be possessed by Courts of County Commissioners, Boards of Revenue or other like governing bodies of the several counties of Alabama under the general laws; to provide for a clerk for said Board of Revenue and prescribe and fix his duties and compensation and the compensation of the members of said Board of Revenue; to provide for the appointment and election of the members of said Board of Revenue and to fix their term of office, to provide the time this act shall become a law.

The above and foregoing bills were severally read a second time and placed on the Calendar.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown, and, as amended, has passed the following House bill, and returns same herewith to the House:

H. 369. To amend Section Two of an Act of the Local Legislature of 1931 to provide for the election of a County Superintendent of Education for Geneva County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers, and duties, and to provide for the election of his successor in office.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Boswell the House concurred in and adopted the Senate amendment to the bill, H. 369, said Senate amendment being as follows:

Amend Title of House Bill 369 by striking from the title thereof the word "Local" wherever it appears therein.

Yeas, 66; nays, 0.

Yeas:

Messrs.:

Almon	Doster	Long	Staples
Arnold	Glover	Lusk	Steele
Blann	Goolsby	Miles	Street
Boswell	Haley	O'Neal	Taylor
Braswell	Hanks	Petrey	Terry
Britton	Hare	Poole	Tidmore
Bulger	Heflin	Posey (Walker)	Todd
Byars	Hendley	Propst	Tolbert
Calhoun	Henson	Quarles	Tompkins
Carter	Hill	Rayburn	Toomer
Chichester	Hollis	Reeder	Waldrep
Connor	Johnston	Reynolds	Wallace
Cook	Jones	Sanford	Welch
Davis	Kelly	Shaver	Whigham
Delony	Kirby	Sightler	Williams
Denson	Langdon	Spence	Wright
De Vane	Livingston		

—66

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in the resolution:

H. J. R. 90. Relative to calling upon our Representatives in Congress to lend their support and influence to repeal discriminatory restrictions which hinder the free and unmolested sale and use of margarine in the United States, and to further discriminations in whatever way such discriminations may appear.

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 171. To amend Section 376 of the Code of Alabama of 1923, as amended by an Act of the Legislature of Alabama of 1927 entitled, "An Act to amend Sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923," approved August 20, 1927, as amended by an Act of the Legislature of Alabama of 1932, Extra Session, approved October 4, 1932, entitled, "An Act to amend Section 376 of the Code of Alabama of 1923 as amended by an Act of the Legislature of Alabama, approved August 20, 1927, entitled: 'An Act to amend Sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923,' found on page 274 of the Acts of 1927, as amended by an Act of the Legislature of Alabama of 1935 entitled, "An Act to

amend Section 376 of the Code of Alabama of 1923, as amended by an act of the Legislature of Alabama of 1927 entitled, 'An Act to amend sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923,' approved August 20, 1927."

Also:

H. 256. To amend Section 7795 of the Code of Alabama of 1923, relating to the issuance by clerks and registers of executions on judgments and decrees.

Also:

H. 133. To amend Section 103 of Article 4 of an act entitled "To provide for the general revenue of the State of Alabama" approved July 10, 1935, pertaining to and providing for appeals from final assessments by the State Tax Commission.

H. 398. A bill to be entitled An Act to submit to the qualified voters of the State at the next general election to be held on the first Tuesday after the first Monday in November, 1936 for their consideration, an Amendment to the Constitution of the State of Alabama to be known as Amendment No. to fix the compensation of the Probate Judge, the Tax Collector and the Tax Assessor of Limestone County.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration as hereinafter set forth, Namely:

"'Amendment to Constitution by the addition of Section After the respective effective dates hereof the Probate Judge, the Tax Collector and the Tax Assessor of Limestone County shall each continue to collect all fees, charges, benefits and penalties accruing to such offices or to the holders thereof and shall pay the same into, and the same shall be covered into the general fund of the Treasury of Limestone County. Thereafter the Probate Judge shall be paid out of the General Fund of the Treasury of said County in equal monthly installments the sum of Six Thousand Dollars (\$6,000.00) and no more per annum as salary and as reimbursement for his clerk hire, and the Tax Collector and the Tax Assessor shall each be paid the sum of Three Thousand Dollars (\$3,000.00) from the same fund for the same purposes and in the same installments. The Probate Judge, the Tax Collector and the Tax Assessor shall each be provided by the governing body of said County with a furnished office and equipment and supplies for the carrying on of the duties of their respective office, but they shall not be provided with any clerical hire. The provisions hereof shall be effective with respect to the Probate Judge at the beginning of the term of office of the Probate Judge elected in November,

1940, and with respect to the Tax Collector and the Tax Assessor at the beginning of the term of office of the Tax Collector and the Tax Assessor elected in November, 1938."

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in the State at least four successive weeks next preceding the general election in November, 1936, of the election and the amendment proposed by this Act to be submitted to the qualified voters of the State for their consideration, together with the proposed amendment.

Section 3. That at the general election held on the first Tuesday after the first Monday in November, 1936, the foregoing Amendment shall be submitted to the qualified electors of the State. Upon the ballots used at such election shall be printed the foregoing Amendment as set forth in Section One hereof in full. Following the proposed Amendment on the Ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No". The choice of the elector shall be indicated by a cross mark beside the word expressing his desire.

Section 4. The officers of such general election shall conduct a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon such proposed amendment the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following bill and sends same herewith to the House without engrossment:

By Mr. Walton:

S. 195. To amend Sub-section XVI of Section 1 of "An Act, to make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt, and for the public schools." Approved September 6, 1935.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bill, S. 195, the title to which is set out in the above and foregoing Message from the Senate, was read one time and referred to the Standing Committee on Appropriations.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown, and, as amended, has passed the following House bills, and returns same herewith to the House:

H. 136. To amend Section 5 of an Act approved September 11, 1935, entitled "An act to adopt for the State of Alabama the provisions of the Wagner-Peyser Act; to designate the State Department of Labor, when created, as the agency of the State for the purposes of such Act, and to make an appropriation therefor."

Also:

H. 204. To amend the title, and section 10, and section 16, and section 17, and to repeal section 11 of an act approved September 14, 1935, Entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such commission; to accept the benefit of an Act of Congress, approved June 6, 1933, Entitled "An Act to provide for the establishment of a National employment system and for cooperation with the states in the promotion of such system and for other purposes", to provide for the creation of An Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this act; to establish an unemployment administration fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this act." (1935 Acts, Page 950)

H. 294. A bill to be entitled An Act to propose an amendment to the Constitution of the State of Alabama of 1901, whereby the Town of Montevallo, Alabama, may levy and collect a rate of taxation on the property situated therein not exceeding in the total in any one year one and one half per centum of the value of such property, as assessed, as provided by the Constitution and statutes now or hereafter enacted pursuant to the Constitution; provided that the total rate of taxation levied by such municipal corporation shall not in any one year exceed one per centum, unless the rate in excess thereof shall have been submitted to and authorized by ballot by the qualified electors of such municipality, at an election or elections to be held by it from time to time for such purpose, and to order an election of the qualified electors of the State of Alabama upon such proposed amendment to be held at the next general election for state and county officers in November 1936.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama of 1901 is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment, and the day hereby appointed for such election is the general election to be held in 1936.

The proposed amendment is as follows:

The Town of Montevallo, Alabama, shall have the power and right to levy and collect a tax of one half of one per centum in any one year on property situated therein based on the valuation of such property as assessed for State taxation for the tax year ending on the 30th day of September next succeeding the levy; provided, that for the purpose of paying bonds issued and outstanding at the time of the adoption of this amendment and the interest thereon, and for the purpose of paying bonds which may be issued after the adoption of this amendment and the interest thereon, an additional tax of one half of one per centum may be levied and collected by said municipality, provided, further, that a majority of the qualified electors of said municipality voting at an election called for that purpose may vote a special tax not to exceed one half of one per centum in any one year for any special purpose, or purposes for which it is levied and collected; provided, however, that the total tax to be levied shall not exceed one and one half ($1\frac{1}{2}$) per centum in any one year. Provided, further, that the adoption of this amendment shall in no wise affect, limit, modify, abridge or impair the power, authority or right of said municipal corporation to levy and collect the special school taxes, now or hereafter vested in or conferred upon it, under the Constitution or any amendment thereto. Each election held under the provisions hereof shall be ordered, held, canvasses and may be contested in the same manner as is or may be provided by law applicable to municipal corporations for

elections to authorize the issuance of municipal bonds. The ballots used at such election shall contain the words; "For _____ excess rate of taxation for the year (or years) _____," and "Against _____ excess rate of taxation for the year (or years) _____". The rate of taxation proposed in excess of the rate of one (1) per centum to be shown in the blank space provided therefor, and the year or years in which the proposed rate is to apply to be shown in the blank space provided therefor. The voter shall record his choice, whether for or against the excess rate shown by placing a cross mark before the words expressing his choice. Nothing herein contained shall in any wise change or affect the right of any holder of bonds of said municipal corporation heretofore issued. Elections to authorize the levy of such special tax may be held as often as ordered by the governing body of the municipality, but when a proposition is submitted to the electors of said municipality to levy a special tax for a specified purpose, and such proposition is defeated, no second election for the same purpose shall be held in one year thereafter.

Section 2. It shall be the duty of the governor to give notice by proclamation, to be published in one newspaper in each county in the State, at least eight consecutive weeks next preceding the said election on the amendment proposed by this act to be submitted to the qualified electors of the State for their consideration, together with the proposed amendment.

Section 3. That at the said election on the amendment proposed by this act to be submitted to the qualified electors of the State for their consideration, to be held as herein provided for, the qualified electors shall vote upon said amendment, and on the official ballots printed for such election there shall be printed the following, viz; Shall the following, be adopted as an amendment to the Constitution of Alabama: The Town of Montevallo, Alabama, shall have the power and the right to levy and collect a tax of one half of one per centum in any one year on property situated therein, based on the valuation of such property as assessed for state taxation for the tax year ending on the 30th day of September next succeeding the levy; provided that for the purpose of paying bonds issued and outstanding at the time of the adoption of this amendment and the interest thereon, and for the purpose of paying bonds which may be issued after the adoption of this amendment and the interest thereon, an additional tax of one half of one per centum may be levied and collected by said municipality; provided further, that a majority of the qualified voters of said municipal corporation voting at an election called for the purpose may vote a special tax not to exceed one half of one per centum in any one year for any special purpose or purposes, which tax shall be used only for the purpose or purposes for which the same was levied and col-

lected; provided, however, that the total tax to be levied by any municipal corporation shall not exceed one and one half ($1\frac{1}{2}$) per centum in any one year. Each election held under the provisions hereof shall be ordered, held, canvassed and may be contested in the same manner as is or may be provided by the law applicable to the municipal corporation for elections to authorize the issuance of municipal bond. The ballots used at such election shall contain the words: "For _____ excess rate of taxation for the year (or years) _____;" and "Against _____ excess rate of taxation for the year (or years) _____" The rate of taxation proposed in excess of the rate of one per centum to be shown in the blank space provided therefor and the year or years in which the proposed rate is to apply to be shown in the blank space provided therefor and in the event different excess rates are proposed for different years the words mentioned shall be repeated as often as may be necessary to show separately the different excess rates proposed to be applied to the respective years. And the voter shall record his choice, whether for or against the excess rate or rates shown, by placing a cross mark before the words expressing his choice. Nothing herein contained shall in any wise change or affect the right of any holder of bonds of said municipal corporation heretofore issued. Elections to authorize the levy of such special tax may be held as often as ordered by the governing body of the municipality, but when a proposition is submitted to the electors to levy a special tax for a specified purpose, and such proposition is defeated no second election for the same purpose shall be held in one year thereafter. This amendment shall be self-executing and no Act of the legislature shall be required to put the same, or any part thereof, in force.

Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No". The choice of the elector shall be indicated by a cross mark made by him, or under his direction, opposite the word expressing his desire.

Section 4. That the officers to hold such election shall be the same, and shall be appointed in the same manner and by the same officials as provided by the election law of the State for the appointment of officers to hold general elections in this State, and the election shall be held in all things in accordance with the law governing general elections and with the constitutional provisions concerning amendments to that instrument.

Section 5. That the votes cast at said election shall be counted, canvassed and tabulated and return made to the Secretary of State in the same manner as in elections of representatives to the legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amend-

ment voted in favor of the same, such amendment shall be valid in all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by proclamation of the Governor.

Section 6. The expenses of the election herein provided for and the cost of the publication of the notices shall be paid out of the State treasury in the same manner as the expenses of the general elections are paid.

Also:

H. 308. A bill to be entitled An Act to provide for and submit to the qualified electors of the State of Alabama at an election to be held at the next General Election after the final adjournment of the present session of the Legislature at which this amendment is proposed, An Amendment to the Constitution of Alabama whereby the following school districts: Andalusia, Attalla, Demopolis, Eufaula, Talladega, Munford, Lincoln, Winterborro and Laniers, Enterprise, Opp, Sylacauga, Abbeville, Newville and Headland and Hartselle, as now or hereafter constituted, in the State of Alabama may levy and collect a Special District Tax not exceeding 30 cents on each one hundred dollars worth of taxable property in such district, in addition to that now authorized or that may hereafter be authorized, for public school purposes, and in addition to that now authorized under Section 260 of Article XIV and Section 2 of Article XIX of the Constitution, provided that the rate of such tax, the period it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of such School District and voted for by a majority of those voting at such election; provided further that the said district tax shall not be voted or collected in said Districts unless and until the County in which said School District is located is levying and collecting not less than a 3-Mill County-wide Special School tax.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of the State of Alabama for their consideration and actions at an election to be held at the next General Election after the final adjournment of the present session of the Legislature at which this amendment is proposed, to-wit: That the following school districts as defined in Section 2 of Article XIX of the Constitution; Andalusia, Attalla, Demopolis, Eufaula, Talladega, Munford, Lincoln, Winterborro and Laniers, Enterprise, Opp, Sylacauga, Abbeville, Newville and Headland and Hartselle, as now or hereafter constituted in the State of Alabama shall have the power and the right to levy and collect a Special District Tax not exceeding 30 cents on each one hundred dollars worth of taxable property in

such district, in addition to that now authorized or that may hereafter be authorized for public school purposes; and in addition to that now authorized under Section 2 of Article XIX of the Constitution and Section 260, Article XIV of the Constitution, provided that the rate of such tax, the period it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of such School District and voted for by a majority of those voting in such election; provided further that the said District Tax shall not be voted or collected in said Districts unless and until the County in which said school district is located is levying and collecting not less than a 3-Mill County-wide School Tax for the period for which the district levy is proposed.

Upon the request of the City Board of Education or such governing Board of Education as is exercising the duties of the City Board of Education of the cities of Andalusia, Attalla, Demopolis, Eufaula, Talladega, Munford, Lincoln, Winterborro and Laniers, Enterprise, Opp, Sylacauga, Abbeville, Newville and Headland and Hartselle, respectively, to the Court of County Commissioners or other governing body of the county in which said city is located, said Court shall order an election to be held at the time requested by said Board of Education to determine whether or not said special tax shall be levied for public school purposes within said School Districts; said election to be held and returns made and result declared as provided in Article XIII of the School Code of 1927, or other method provided by general law for holding elections for levying school district taxes.

This Amendment shall be self executing and no Act of the Legislature shall be required to put the same in force.

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in the State at least four consecutive weeks next preceding the said election on the Amendment proposed by this Act to be submitted to the qualified electors of the State for their consideration, together with the proposed Amendment.

Section 3. That at the said election on the Amendment proposed by this Act to be submitted to the qualified electors of the State for their consideration, to be held as herein provided for, the qualified electors shall vote upon said Amendment and on the official ballots printed for such election there shall be printed the following, viz., "Shall the following be adopted as an Amendment to the Constitution of Alabama: The following School Districts as defined in Section 2, Article XIX of the Constitution: Andalusia, Attalla, Demopolis, Eufaula, Talladega, Munford, Lincoln, Winterborro and Laniers, Enterprise, Opp, Sylacauga, Abbeville, Newville and Headland and Hartselle as now or hereafter constituted in the State of Alabama shall have the power and right to levy and collect

annually a Special District Tax not exceeding 30 cents on each one hundred dollars worth of taxable property in such district, in addition to that now authorized or that may hereafter be authorized, for public school purposes; and in addition to that now authorized under Section 2 of Article XIX of the Constitution and Section 260, Article XIV of the Constitution, provided that the rate of such tax, the period it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of such School District and voted for by a majority of those voting in such election; provided further that the said District tax shall not be voted or collected in said Districts unless and until the County in which said school district is located is levying and collecting not less than a 3-Mill County-wide School Tax for the period for which the district levy is proposed.

Upon the request of the City Board of Education or such governing Board of Education as is exercising the duties of the City Board of Education of the cities of Andalusia, Attalla, Demopolis, Eufaula, Talladega, Munford, Lincoln, Winterborro and Laniers, Enterprise, Opp, Sylacauga, Abbeville, Newville and Headland and Hartselle, respectively, to the Court of County Commissioners or other governing body of the county in which said city is located, said Court shall order an election to be held at the time requested by said Board of Education to determine whether or not said special tax shall be levied for public school purposes within said School District; said election to be held and returns made and result declared as provided in Article XIII of the School Code of 1927, or other method provided by general law for holding elections for levying school district taxes.

This Amendment shall be self executing and no Act of the Legislature shall be required to put the same in force.

-----Yes

-----No."

Section 4. That the officers who hold such election shall be the same and shall be appointed in the same manner and by the same officials as provided by the general election laws of the State of Alabama for the appointment of officers and the holding of general elections in this State, and the election shall be held under and in all things governed by and had in accordance with the Constitutional provisions touching amendments to the Constitution of the State of Alabama.

Section 5. That the votes cast at said election shall be counted, canvassed, and tabulated and return made to the Secretary of State in the same manner as in elections of representatives to the Legislature; and if it thereupon appear that a majority of the qualified

electors who voted at such election upon the proposed amendment, voted in favor of the same, such amendment shall become a part of the Constitution of Alabama, and shall be in all its intents and purposes valid as such part of the Constitution.

Section 6. The result of such election shall be made known by proclamation of the Governor.

Section 7. The expenses of the election herein provided for and the costs of the publication of the notices, shall be paid out of the State Treasury in the same manner that the expenses of general elections are paid.

Also:

H. 8. To Amend Section 161-A of an Act "To Provide for the General Revenue of the State of Alabama" Approved July 10, 1935.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Taylor the House non-concurred in the Senate amendment to the bill, H. 136, said Senate amendment being as follows:

Amend H. B. 136 as follows—strike therefrom the words and figures "thirty Thousand Dollars (\$30,000)" where the same occur together and substitute therefor the words "Twenty Thousand Dollars (\$20,000)".

And requested a Committee of Conference.

The Speaker appointed as conferees on part of the House Messrs. Taylor, Harrison and Denson.

On motion of Mr. Owen (Etowah) the House concurred in and adopted the Senate amendment to the bill, H. 204, said Senate amendment being as follows:

Amend Section 4 of House Bill No. 204, by adding the following at the end thereof:

Sub-division C. Whenever requested by the Unemployment Compensation Commission to perform certain acts in connection with the Unemployment Compensation Commission, the Alabama State Employment Service shall perform such acts as are requested and in the manner prescribed by the Unemployment Compensation Commission as expeditiously and economically as may be, and shall render to the Unemployment Compensation Commission a Statement of the actual expenses incurred by the Alabama State Employment Service, and the manner in which they were performed, whereupon the Unemployment Compensation Commission shall pay to the Alabama State Employment Service the amount of such expenses incurred.

Further amend House Bill No. 204 by adding thereto the following section:

Section 5½. It is expressly provided that in the event the Supreme Court of the United States shall hold Title Three or Title Nine of the Federal "Social Security Act" approved by the President August 14th, 1935, unconstitutional or inoperative for any reason whatsoever, then this Act shall become void, inoperative and of no effect and all payments of levies, contributions, taxes or payroll deductions made hereunder and then remaining unexpended shall be returned ratably to those making such payments and if such payments contain in whole or part deductions from the remuneration of employees, such employees shall in turn be repaid ratably such deductions as are returned on their account to their employers.

Yeas, 60; nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Douglass	Norman (Lowndes)	Sparks (Walker)
Adams	Goolsby	O'Neal	Spence
Arnold	Hanks	Owen (Etowah)	Steele
Blann	Hare	Owens (Madison)	Street
Braswell	Heflin	Parish (Henry)	Taylor
Byars	Hill	Parish (Pike)	Tidmore
Carter	Hollis	Petrey	Todd
Castleberry	Johnston	Quarles	Tolbert
Chichester	Kirby	Rayburn	Tompkins
Cook	Livingston	Reeder	Toomer
Davis	Lusk	Sanford	Wallace
Delony	Matthews	Shaver	Welch
Denson	Merrill	Shipman	Whigham
De Vane	Miller	Sightler	Williams
Dominick	McGowin	Sparks (Barbour)	Wright

—60

On motion of Mr. Reid the House concurred in and adopted the Senate amendment to the bill, H. 294, said Senate amendment being as follows:

Amend H. B. No. 294 by adding thereto Section 7 as follows: Section 7. Provided the right herein granted to levy additional taxes when the proposed amendment to the Constitution of the State of Alabama of 1901, is ratified at the next general election for state and county officers in November 1936, shall not be exercised unless and until same is ratified by a majority vote of the voters of the Town of Montevallo at a special election to be held when called by the Mayor and Council of the Town of Montevallo.

Yeas, 69; nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Glover	Miles	Sparks (Barbour)
Adams	Goodwyn	Miller	Spence
Arnold	Goolsby	McDermott	Staples
Bateman	Hamner	McGowin	Steele
Braswell	Hare	Owen (Etowah)	Street
Britton	Heflin	Owens (Madison)	Terry
Bulger	Henson	Parish (Henry)	Tidmore
Byars	Hollis	Parish (Pike)	Todd
Castleberry	Johnston	Petrey	Tolbert
Chichester	Kelly	Posey (Walker)	Tompkins
Connor	Kirby	Rayburn	Toomer
Cook	Langdon	Reeder	Waldrep
Davis	Livingston	Reid	Wallace
Delony	Long	Sanderson	Welch
Denson	Lusk	Shaver	Whigham
Dominick	Matthews	Shipman	Williams
Doster	Merrill	Sightler	Wright
Douglass			

—69

On motion of Mr. Owen (Etowah) the House concurred in and adopted the Senate amendment to the bill, H. 308, said Senate amendment being as follows:

Amend H. B. 308 by striking therefrom and from the caption thereof the names of the following cities wherever the same occur therein, viz;

Abbeville, Newville and Headland and insert in lieu thereof, both in the caption and in said bill, the following named cities, viz;

Clanton and Midland City and Montevallo.

Yeas, 70; nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Goolsby	McDermott	Sparks (Barbour)
Adams	Hanks	McGowin	Sparks (Walker)
Bateman	Hare	McPhaul	Spence
Blann	Harrison	Norman (Lowndes)	Steele
Boswell	Heflin	O'Neal	Street
Braswell	Hendley	Owen (Etowah)	Taylor
Buffington	Henson	Owens (Madison)	Terry
Byars	Hill	Parish (Henry)	Tidmore
Carter	Hollis	Parish (Pike)	Todd
Castleberry	Johnston	Petrey	Tolbert
Chichester	Kirby	Posey (Walker)	Tompkins
Cook	Langdon	Propst	Waldrep
Davis	Livingston	Quarles	Wallace
Delony	Lusk	Rayburn	Welch
Denson	Matthews	Reeder	Whigham
Dominick	Merrill	Sanford	Williams
Douglass	Miles	Sightler	Wright
Glover	Miller		

—70

On motion of Mr. Owen (Etowah) the House concurred in and adopted the Senate amendment to the bill, H. 8, said Senate amendment being as follows:

Substitute for H. 8:

A BILL

To be entitled An Act to amend Section 161-A of an Act "To Provide for the General Revenue of the State of Alabama" approved July 10, 1935.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 161-A of an Act "To Provide for the General Revenue of the State of Alabama", approved July 10, 1935, be amended to read as follows:

Section 161-A. The fees, compensations and earnings of the Tax Collector allowed under the revenue laws of the State, shall not together with all other fees, compensation, allowances and earnings to them, exceed Five Thousand Four Hundred Dollars, (\$5400.00) net annually. Provided, that after the term of office beginning with the first of October, 1935, expires, then the fees, compensation and earnings of the Tax Collector allowed under the revenue laws of the State, shall not together with all other fees, compensations, allowance, and earnings to them, exceed four thousand dollars, (\$4000.00) net annually, after the payment of the salaries for clerks, typists, stenographers, and other office expenses in Counties where the Tax Collector is not paid a fixed salary; and the expenses of the office in such Counties for clerks, typists, stenographers, and other expenses shall not exceed in counties having a population according to the Federal Census as follows:

10 to 30 thousand—\$100.00 per month. 30 to 40 thousand—\$125.00 per month. 40 to 50 Thousand—\$150.00 per month. 50 to 65 Thousand—\$200.00 per month. 65 to 85 Thousand—\$250.00 per month. 85 to 110 Thousand—\$300.00 per month. 110 to 125 Thousand \$800.00 per month. 125 to 500 Thousand—\$1,500.00 per month, provided that in Counties of 63,000 to 98,000 population according to the Federal census where the assessments for ad valorem taxes in any one year exceeds \$22,000,000.00, the expenses of the Tax Collector's office in such counties for clerks, typists, stenographers and other expenses may be increased to, but shall not exceed \$350.00 per month.

Section 2. This Act shall go into effect upon its approval by the Governor.

Yeas, 67; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Hamner	Owen (Etowah)	Spence
Arnold	Hanks	Owens (Madison)	Staples
Bateman	Hare	Parish (Henry)	Steele
Braswell	Hill	Parish (Pike)	Street
Buffington	Hollis	Petrey	Taylor
Byars	Johnston	Posey (Walker)	Terry
Carter	Kirby	Propst	Tidmore
Castleberry	Langdon	Quarles	Todd
Chichester	Lee (Monroe)	Rayburn	Tolbert
Connor	Livingston	Reeder	Tompkins
Cook	Lusk	Sanderson	Waldrep
Davis	Matthews	Sanford	Wallace
Delony	Merrill	Shaver	Welch
Dominick	Miles	Shipman	Whigham
Douglass	McGowin	Sightler	Williams
Glover	Norman (Lowndes)	Sparks (Barbour)	Wright
Goolsby	O'Neal	Sparks (Walker)	

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REPORT OF STANDING COMMITTEE ON ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Enrolled Bills reports that it has examined the following House bills, and finds same correctly enrolled, to-wit:

H. 135. To amend an Act of the Legislature of Alabama approved August 4, 1931 entitled, "An Act to provide for the government and control by civil service regulations of the police department and fire department in cities of the State of Alabama operating under the commission form of government and which now have or which may hereafter have a population of as much as twenty four thousand and less than fifty thousand people, according to the latest or any succeeding Federal Census; to provide for a civil service board in such cities and fix their duties, authorities, powers, and compensation" so as to require all members of the police department in said cities to enter into bond conditioned for the faithful and proper performance of their duties as policemen before entering upon their duties, and to provide further that their appointment shall be revoked by the civil service board upon their failure to enter into such bond within ten days after said appointment.

Also:

H. 159. To provide that certain officers of Lawrence County, Alabama, shall each receive an increase in pay, as follows: the members of the Board of Revenue shall each receive four dollars (\$4.00) per day instead of three dollars (\$3.00) per day for service rendered, to be paid from the general fund of the County.

Also:

H. 170. To amend section 8 of an act entitled, "An Act to provide for the public safety; to regulate the operation of motor vehicles on the public highways, to provide for the registration and licensing of drivers or operators of motor vehicles and to fix the fees therefor. To authorize the State Highway Commission, with the approval of the Governor, to establish and promulgate reasonable rules and regulations concerning the operation of motor vehicles; to provide punishment and penalties for the violation of the provisions of this Act and of the rules and regulations authorized hereby; to provide for the suspension and revocation of driver's licenses issued; to authorize the appointment or employment of the necessary officers and agents, and the purchase of the necessary equipment to make the provisions hereof effective; and to provide for the compensation of the officers and agents so employed," approved September 2, 1935.

Also:

H. 271. To amend an act entitled, "An Act to Regulate Further the Financing of Public Improvements, to Permit the Reduction or Abatement of Assessments Therefor in Certain Cases, to Provide for the Refunding of Bonds Issued Therefor and to Validate Proceedings Heretofore Taken Relating Thereto in Cities Having a Population of as Many as Fifty Thousand and Less Than One Hundred Thousand People According to the Last Federal Census or any Such Census which may Hereafter be Taken," approved September 2, 1935, so as to make the provisions of said Act apply to cities having a population of twenty thousand and less than one hundred thousand people according to the last Federal census or any such census which may hereafter be taken.

Also:

H. 373. To amend Part 7 of Sub-division VII of Section 1 and Sub-division XVI of Section 1, and Part 12 of Sub-division X of Section 1, and Part 4 of Sub-division VIII of Section 1, of an Act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative and Judicial Departments of the State, for the interest on the public debt, and for the public schools", approved September 6, 1935.

Also:

H. 411. To relieve all persons in Shelby County, Alabama, and in any Municipality thereof, of and from any and all legal obligation to work on the public roads or streets in Shelby County, Alabama, or in any Municipality thereof, or to pay any money in lieu of such obligation to work on the public roads or streets in Shelby County, Alabama, or in any Municipality thereof, and to

prohibit the levying and collecting of a per capita road or street tax in Shelby County, Alabama, or in any Municipality thereof.

Also:

H. 415. To amend an Act entitled an Act "To regulate and control the purchase of goods and supplies for Madison County by the Board of County Commissioners, or other like governing body of Madison County," passed by the Legislature at its 1936 special session.

F. H. Street,
Vice-Chairman.

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

REPORT OF STANDING COMMITTEE ON ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed Bills begs leave to report that said Committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 312. To authorize and require the tax levied and collected under Article IX, Chapter 3 of Act No. 194 entitled "To provide for the general revenue of the State of Alabama, approved July 10, 1935; to be when collected paid into the Educational Trust Fund to be used exclusively for the payment of the salaries of the teachers of the State, and to provide penalty for violations of this Act.

B. H. Matthews,
Vice-Chairman.

The report of the Standing Committee on Engrossed Bills was concurred in and adopted.

BILLS ON THIRD READING

S. 64. To provide for the appointment by Circuit Judges of Court Bailiffs in all Circuits composed of more than one County and having two Circuit Judges and to provide for the compensa-

tion of such bailiffs.

Was read a third time at length and defeated, lacking the two-thirds majority required by the Constitution for bills not included in the call for the Special Session.

Yeas, 46; Nays, 25.

Yeas:

Messrs.:

Adams	Hendley	McGowin	Sparks (Walker)
Blann	Hill	McPhaul	Spence
Cook	Johnston	Owen (Etowah)	Staples
Davis	Jones	Parish (Henry)	Steele
Denson	Langdon	Propst	Street
De Vane	Lee (Monroe)	Rayburn	Terry
Dominick	Livingston	Reeder	Todd
Douglass	Lusk	Shaver	Tolbert
Goodwyn	Merrill	Shipman	Waldrep
Goolsby	Miles	Sightler	Welch
Hamner	Miller	Sparks (Barbour)	Whigham
Hare	McDermott		

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Nays:

Messrs.:

Mr. Speaker	Chichester	Kirby	Petrey
Arnold	Connor	Matthews	Posey (Walker)
Bateman	Delony	Norman (Lowndes)	Tidmore
Braswell	Hanks	O'Neal	Tompkins
Byars	Henson	Owens (Madison)	Williams
Carter	Hollis	Parish (Pike)	Wright
Castleberry			

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S. 126. To amend Section 18 of an Act approved September 14, 1935, and entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system and for other purposes"; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to

regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act."

Was taken up. Mr. McGowin offered the following amendment to the bill, S. 126:

AMENDMENT BY MR. MCGOWIN TO S. 126

Amend Senate Bill 126 by adding the word "contributions" after the word "levies" where it appears in line 9 on page 2 of the Bill.

And the amendment was adopted.

Yeas, 68; Nays, 0.

Yeas:

Messrs.:			
Mr. Speaker	Goodwyn	McGowin	Sightler
Adams	Goolsby	McPhaul	Sparks (Barbour)
Arnold	Hamner	Norman (Lowndes)	Sparks (Walker)
Bateman	Hare	Owen (Etowah)	Spence
Boswell	Heflin	Owens (Madison)	Staples
Braswell	Henson	Parish (Henry)	Steele
Byars	Hill	Parish (Pike)	Taylor
Carter	Hollis	Petrey	Terry
Castleberry	Johnston	Posey (Walker)	Tidmore
Connor	Jones	Propst	Todd
Cook	Langdon	Quarles	Tompkins
Davis	Lee (Monroe)	Rayburn	Waldrep
Delony	Livingston	Reynolds	Wallace
Denson	Lusk	Sanderson	Welch
Dominick	Matthews	Sanford	Whigham
Doster	Merrill	Shaver	Williams
Douglass	McDermott	Shipman	Wright

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And the bill:

S. 126. To amend Section 18 of an Act approved September 14, 1935, and entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled "An Act to provide for the establishment of a

national employment system and for cooperation with the states in the promotion of such system and for other purposes"; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act."

As amended, was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 68; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Goodwyn	McGowin	Sightler
Adams	Goolsby	McPhaul	Sparks (Barbour)
Arnold	Hamner	Norman (Lowndes)	Sparks (Walker)
Bateman	Hare	Owen (Etowah)	Spence
Boswell	Heflin	Owens (Madison)	Staples
Braswell	Henson	Parish (Henry)	Steele
Byars	Hill	Parish (Pike)	Taylor
Carter	Hollis	Petrey	Terry
Castleberry	Johnston	Posey (Walker)	Tidmore
Connor	Jones	Propst	Todd
Cook	Langdon	Quarles	Tompkins
Davis	Lee (Monroe)	Rayburn	Waldrep
Delony	Livingston	Reynolds	Wallace
Denson	Lusk	Sanderson	Welch
Dominick	Matthews	Sanford	Whigham
Doster	Merrill	Shaver	Williams
Douglass	McDermott	Shipman	Wright

—68

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 327. To amend Section 10 of an Act entitled "An Act to further provide for freeing Alabama highways of all toll bridges, through a corporation to be composed of the President of the State Board of Administration, the State Comptroller and the Chairman of the State Highway Commission, whose incorporation is authorized and to prescribe the power and authority of such corporation and to provide it with funds necessary to enable it to accomplish the purpose of its creation," approved September 7, 1935.

Also:

H. 329. To amend Sections 4, 8, and 11 of an Act entitled "An Act to authorize the creation and incorporation of a Commission, providing for its powers and duties, authorizing it to lease or purchase construct and reconstruct Highway Bridges, approaches and appurtenances thereto, across any river in the State of Alabama or across any body of water separating the mainland of the State of Alabama from any island forming a prt of the State of Alabama, to maintain and operate said bridges, approaches and appurtenances thereto, and charge tolls thereon, and to issue bonds; providing for the payment of such bonds and providing for the rights and remedies of bondholders," approved February 7, 1935, as amended by an Act entitled "An Act to amend Section 2 of an Act entitled 'An Act to authorize the creation and incorporation of a Commission, providing for its powers and duties, authorizing it to lease or purchase, construct and reconstruct Highway Bridges, approaches and appurtenances thereto, across any river in the State of Alabama or across any body of water separating the mainland of the State of Alabama from any island forming a part of the State of Alabama, to maintain and operate said bridges, approaches and appurtenances thereto, and charge tolls thereon, and to issue bonds; providing for the payment of such bonds and providing for the rights and remedies of bondholders' approved February 7, 1935," approved July 8, 1935.

Also:

H. 330. To amend Section 1 of an Act entitled "An Act to declare all toll bridges and toll ferries connected with or forming a part of any State or County public highway in the State of Alabama to be public utilities; to impose upon such toll bridges and toll ferries all the public obligations and to give them all the rights and privileges applying to other public utilities under the provisions of the Alabama Public Utility Act of 1920; and to make such toll bridges and toll ferries subject to regulation by the Public Service Commission in like manner as other public utilities are subject to regulation by said Commission under said Act," approved August 26, 1935.

Also:

H. 331. To amend Section 7 of an Act entitled "An Act to provide for the leasing, buying, condemning, otherwise acquiring, and/or freeing of any and all toll bridges within the State by the State Highway Department, with the approval of the Governor, and to provide the method and manner in which said leasing, purchasing, condemning, otherwise acquiring, and/or freeing of any and all of said bridges shall be accomplished; and to authorize and empower the State Highway Department to make, enter into and

execute, with the approval of the Governor, any and all contracts or agreements necessary for the accomplishment of the purpose of this Act and to set aside and pledge from its revenues a sum not in excess of \$300,000.00, annually, therefor, for a period not exceeding thirty years," approved July 10, 1935.

J. E. Speight,
Secretary.

REPORT OF STANDING COMMITTEE ON ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Enrolled Bills reports that it has examined the following House bill, and finds same correctly enrolled, to-wit:

H. 63. To revise, collate and codify into one Act the general statutes of the State of Alabama relating to the Militia, which Act shall constitute and be designated and cited as the Military Code of Alabama; to regulate and provide for the Military and Naval Forces of the State and promote the efficiency of these forces; to provide rules, regulations and means for their organization, armament, equipment, discipline, control and supervision; to provide for their maintenance, support and upkeep; to provide for their allocation, organization and equipment, discipline, training, and maintain these forces for State and National Emergencies in compliance with the provisions of the National Defense Act and Federal Laws governing the Naval Militia or Naval Reserves as now or as these acts may be hereafter amended; to provide a Department, to be designated and known as the Department of Military and Naval Affairs, for the purpose of administration of all provisions of this Act and the execution of all rules and regulations written under this Act; to provide means for the enforcement of this Act; to repeal all code sections and all acts and parts inconsistent with this Act; and to fix penalties and punishments for the violation of this Act.

Dan Gullett Cook,
Chairman.

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

BILL ON THIRD READING

S. 35. To declare and fix the priority of the claims of local registrars of vital statistics in the several counties in the State.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 55; Nays, 0.

Yeas:

Messrs.:

Adams	Douglass	Merrill	Sanford
Arnold	Glover	Miller	Shipman
Boswell	Goodwyn	McDermott	Sparks (Barbour)
Braswell	Haley	McGowin	Sparks (Walker)
Buffington	Heflin	McPhaul	Spence
Byars	Hendley	O'Neal	Street
Carter	Hill	Owen (Etowah)	Tidmore
Castleberry	Hollis	Owens (Madison)	Todd
Connor	Johnston	Parish (Henry)	Waldrep
Cook	Kelly	Parish (Pike)	Wallace
Delony	Kirby	Propst	Welch
Denson	Langdon	Quarles	Williams
Dominick	Livingston	Rayburn	Wright
Doster	Lusk	Reynolds	

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BILL INDEFINITELY POSTPONED

On motion of Mr. Sanderson the bill, S. 44, was indefinitely postponed.

BILL ON THIRD READING

S. 66. To authorize cities, towns and counties of Alabama, of 6,000 population and over, to acquire sites for, and to acquire, establish and maintain Public Museums and Art Galleries, and to Authorize the Administration thereof by instrumentalities selected by the governing bodies of such cities, towns and counties.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 64; Nays, 2.

Yeas:

Messrs.:

Mr. Speaker	Cook	Glover	Kelly
Adams	Davis	Goodwyn	Kirby
Boswell	Delony	Goolsby	Langdon
Bulger	Denson	Hare	Lee (Monroe)
Byars	De Vane	Harrison	Livingston
Carter	Dominick	Heflin	Lusk
Castleberry	Doster	Johnston	Matthews
Chichester	Douglass	Jones	Merrill

Miles	Parish (Henry)	Sanderson	Tidmore
Miller	Parish (Pike)	Shaver	Tolbert
McDermott	Petrey	Shipman	Tompkins
McGowin	Propst	Sparks (Barbour)	Toomer
McPhaul	Quarles	Spence	Welch
O'Neal	Rayburn	Street	Whigham
Owen (Etowah)	Reeder	Taylor	Williams
Owens (Madison)	Reynolds	Terry	Wright

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Nays: Messrs. Posey (Walker), Todd

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RECESS

On motion of Mr. Kirby the House recessed until 3 o'clock P.M.

TWENTY-FOURTH DAY—AFTERNOON SESSION

The hour of 3 o'clock P. M. having arrived the House reconvened.

BILLS ON THIRD READING

S. 125. To amend an Act approved September 14, 1935, entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefit; to provide for the settlement of benefit claims to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system and for other purposes"; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act. This Act being approved September 14, 1935.

Was taken up. Mr. Taylor offered the following amendment to the bill, S. 125:

TAYLOR AMENDMENT TO SENATE BILL 125

Amend Senate Bill 125 by adding the following immediately after the sentence "Be it enacted by the Legislature of the State of Alabama," the following; that Section 2 (g) be amended so as to read as follows: Section 2 (g) "Employment" means any employment in which all or the greater part of the person's work (within the continental United States) is or was customarily performed within this State, under any contract of hire, oral or written, express or implied, whether such person was hired and paid directly by the employer or through any other person employed by the employer, provided the employer had actual or constructive knowledge of such contract. Such employment shall include the person's entire employment (in all states, including the District of Columbia). In the case of all other persons employed partly in this state and partly in other states, the commission is authorized, with the approval of the Governor, to enter into reciprocal arrangements with other states as to the extent the employment of such persons shall be included under this definition. The term "employment" shall not apply to: (1) Agricultural labor; (2) Domestic service in a private home; (3) Service performed as an officer, bar pilot or member of the crew of a vessel on the navigable waters of the United States; (4) Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of twenty-one in the employ of his father or mother; (5) Service performed in the employ of the United States Government or of an instrumentality of the United States; (6) Service performed in the employ of a carrier engaged in interstate commerce and subject to the Act of Congress known as The Railway Labor Act: as amended or as hereafter amended. Service performed by those engaged as Solicitors or agents for Insurance Companies. (7) Service performed in the employ of a state, or political subdivision thereof, or an instrumentality of one or more states or political subdivisions; (8) Service performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual. Section.

And the amendment offered by Mr. Taylor was adopted.

Yeas, 61; Nays, 0.

Yeas:**Messrs.:**

Mr. Speaker	Henson	Owens (Madison)	Staples
Braswell	Hollis	Parish (Henry)	Steele
Byars	Johnston	Parish (Pike)	Street
Castleberry	Jones	Quarles	Taylor
Chichester	Kelly	Rayburn	Terry
Connor	Kirby	Reeder	Tidmore
Cook	Long	Reid	Todd
Davis	Lusk	Sanderson	Tolbert
Delony	Matthews	Sanford	Tompkins
Denson	Merrill	Shaver	Toomer
Dominick	Miles	Shipman	Waldrep
Douglass	Miller	Sightler	Welch
Glover	McDermott	Sparks (Barbour)	Whigham
Hare	McGowin	Sparks (Walker)	Williams
Heflin	Owen (Etowah)	Spence	Wright
Hendley			

—61

Mr. Arnold offered the following amendment to the bill, S. 125: Amend S. B. 125 by adding Section 5-E: This act shall go into effect January 1, 1937.

On motion of Mr. Lusk the amendment offered by Mr. Arnold was laid on the table.

And the bill:

S. 125. To amend an Act approved September 14, 1935, entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefit; to provide for the settlement of benefit claims to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system and for other purposes"; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act. This Act being approved September 14, 1935.

As amended, was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 61; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Henson	Owens (Madison)	Staples
Braswell	Hollis	Parish (Henry)	Steele
Byars	Johnston	• Parish (Pike)	Street
Castleberry	Jones	Quarles	Taylor
Chichester	Kelly	Rayburn	Terry
Connor	Kirby	Reeder	Tidmore
Cook	Long	Reid	Todd
Davis	Lusk	Sanderson	Tolbert
Delony	Matthews	Sanford	Tompkins
Denson	Merrill	Shaver	Toomer
Dominick	Miles	Shipman	Waldrep
Douglass	Miller	Sightler	Welch
Glover	McDermott	Sparks (Barbour)	Whigham
Hare	McGowin	Sparks (Walker)	Williams
Heflin	Owen (Etowah)	Spence	Wright
Hendley			

—61

S. 74. A Bill to be entitled An Act to provide for and submit to the qualified electors of the State of Alabama at the General election to be held on the Third day of November, 1936, an amendment to the Constitution of Alabama, as follows: "The Courts in all counties of Alabama, having original jurisdiction in criminal cases, may suspend the execution or imposition of sentences upon persons convicted of crime, where the punishment does not exceed five years imprisonment, and place such persons on probation, and may thereafter impose sentence or order sentence executed, or remit such punishment as may seem to the court right and just and to the best interest of society;" to provide for notice of said election; to provide the form of ballot for the canvassing of returns and to prescribe the method whereby the result of said election shall be known and to further provide for expenses and costs of publication of notices of this proposed amendment.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of this State for their consideration at the General election to be held on the third day of November 1936, to-wit: "The Courts, in all counties of Alabama having original jurisdiction of Criminal cases, may suspend the execution or imposition of sentences upon persons convicted of crime, where the punishment does not exceed five years imprisonment, and place such persons on probation and may hereafter impose sentence or order sentence executed, or remit such punishment as may seem to the court right and just and to the best interest of society."

Section 2. That it shall be the duty of the Governor of the State of Alabama, to give notice, by proclamation, of the fact that such election will be held on the day hereby appointed for action by the electorate upon the amendment hereby proposed by this act to be submitted to the qualified electors of the State for their consideration; and such proclamation shall also set out the proposed amendment. The said proclamation shall be published in one newspaper in each county in the State for at least eight successive weeks next preceding the day hereby appointed for said election.

Section 3. That at said election on the amendment proposed by this act to be submitted to the qualified electors of the State of Alabama, for their consideration, the qualified electors shall vote upon said amendment and on the official ballots printed for such election, there shall be printed the following: "Shall the following be adopted as an amendment to the Constitution of the State of Alabama?" "The Courts in all counties of Alabama, having original jurisdiction in criminal cases, may suspend the execution or imposition of sentences upon persons convicted of crime, where the punishment does not exceed five years imprisonment, and place such persons on probation, and may thereafter impose sentence or order sentence executed, or remit such punishment as may seem to the court right and just and to the best interest of society." Following the proposed amendment on the ballot shall be printed the word "yes" and immediately under that shall be printed the word "no." The choice of the elector shall be indicated by a cross mark made by him, or under his direction opposite the word expressing his desire.

Section 4. That the votes cast at said election shall be counted, canvassed, and tabulated and return made to the Secretary of State in the same manner as in elections of representatives to the Legislature; and if it thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment, voted in favor same, such amendment shall become a part of the Constitution of Alabama, and shall be in all its intents and purposes valid as such a part of the Constitution.

Section 5. That the result of such election be made known by proclamation of the Governor.

Section 6. That the expenses and the cost of the publication of the notices, shall be paid out of the State Treasury.

Was read a third time at length and passed by a three-fifths majority of the House.

Yeas, 66; Nays, 8.

Yeas:

Messrs.:

Adams	Doster	McDermott	Sightler
Arnold	Douglass	McGowin	Sparks (Barbour)
Bateman	Goodwyn	Owen (Etowah)	Sparks (Walker)
Boswell	Goolsby	Owens (Madison)	Spence
Braswell	Hare	Parish (Henry)	Staples
Britton	Heflin	Parish (Pike)	Steele
Buffington	Hill	Petrey	Street
Bulger	Hollis	Poole	Taylor
Castleberry	Kelly	Posey (Walker)	Todd
Chichester	Kirby	Quarles	Tolbert
Connor	Langdon	Rayburn	Toomer
Cook	Livingston	Reeder	Wallace
Davis	Lusk	Reid	Welch
Delony	Matthews	Sanderson	Whigham
Denson	Merrill	Shaver	Williams
De Vane	Miles	Shipman	Wright
Dominick	Miller		

—66

Nays:

Messrs.:

Mr. Speaker	Hamner	Johnston	Terry
Byars	Henson	Long	Waldrep

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate accedes to the request of the House for a Committee of Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 136. To amend Section 5 of an Act approved September 11, 1935; entitled "An Act to adopt for the State of Alabama the provisions of the Wagner-Peyser Act; to designate the State Department of Labor, when created, as the agency of the State for the purposes of such Act, and to make an appropriation therefor."

Committee on part of the Senate Messrs. Simpson, Walton and Tucker.

J. E. Speight,
Secretary.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same;

Delivered to the Governor at 12:15 o'clock P. M., April 16, 1936:

H. 63, H. 135, H. 159, H. 373, H. 415, H. 170, H. 271, H. 411.

E. F. Taylor,
Clerk.

ADJOURNMENT

On motion of Mr. McGowin the House adjourned until Friday, April 17, 1936, at 10 o'clock A.M.

TWENTY-FIFTH DAY

House of Representatives,
Montgomery, Alabama,
Friday, April 17, 1936.

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Peerce N. McDonald, rector of the Church of the Ascension, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House the following members answered to their names:

Messrs.:

Mr. Speaker
Adams
Arnold
Austin
Bateman
Blann
Boswell
Braswell
Bridges
Britton
Buffington
Bulger
Byars

Calhoun
Carter
Castleberry
Chichester
Connor
Cook
Davis
Delony
Denson
De Vane
Dominick
Doster
Douglass

Glover
Goodwyn
Goolsby
Haley
Hall
Hamner
Hanks
Hare
Harrison
Heflin
Hendley
Henson
Hill

Hollis
Johnston
Jones
Kelly
Kirby
Langdon
Lee (Bullock)
Lee (Monroe)
Livingston
Long
Lusk
Matthews
Merrill

Miles	Petrey	Sanford	Tidmore
Miller	Poole	Shaver	Todd
Moore	Posey (Walker)	Shipman	Tolbert
McDermott	Propst	Sightler	Tompkins
McGowin	Quarles	Sparks (Barbour)	Toomer
McPhaul	Rayburn	Sparks (Walker)	Waldrep
Norman (Bullock)	Reeder	Spence	Wallace
Norman (Lowndes)	Reid	Staples	Welch
Owen (Etowah)	Reynolds	Steele	Whigham
Owens (Madison)	Robertson (Cullman)	Street	Williams
Parish (Henry)	Robinson (Lowndes)	Taylor	Wright
Parish (Pike)	Sanderson	Terry	

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A quorum was present.

REPORT OF STANDING COMMITTEE ON REVISION OF JOURNAL

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs leave to report that said committee in session, has carefully examined the Journal of the House for the Twenty-Fourth Legislative Day and finds same correct.

J. R. Sanford,
Chairman.

The Report of the Standing Committee on Revision of the Journal was concurred in and adopted and the Journal of the House for the Twenty-Fourth Legislative Day was approved.

RESOLUTIONS

Mr. Welch offered the following resolution:

By Mr. Welch:

H. J. R. 91. Resolved by the House, the Senate concurring, that the doorkeeper of the House and the doorkeeper of the Senate and the Secretary of State be and they are each hereby relieved of liability for the Codes of 1923 and the Acts of 1935 and 1936, furnished the members of the House and Senate for their use.

On motion of Mr. Welch the rules were suspended and the resolution was adopted.

Mr. Welch offered the following resolution:

By Mr. Welch:

H. J. R. 92. Whereas, Senate Bill No. 74, heretofore passed by the Senate and this day passed by the House, has been passed by the joint efforts of Senator Simpson and Representative Todd, the former introducing the Bill in the Senate and the latter introducing it in the House, now therefore,

Be it resolved by the House, the Senate concurring, that said Bill be known as the Simpson-Todd Bill.

On motion of Mr. Welch the rules were suspended and the resolution was adopted.

REPORT OF STANDING COMMITTEE ON ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Enrolled Bills reports that it has examined the following House bills and House joint resolution, and finds same correctly enrolled, to-wit:

H. 8. To Amend Section 161-A of an Act "To Provide for the General Revenue of the State of Alabama" Approved July 10, 1935.

Also:

H. J. R. 90. Relative to requesting Congress to repeal restrictions on margarine.

Also:

H. 133. To amend Section 103 of Article 4 of an act entitled "To provide for the general revenue of the State of Alabama" approved July 10, 1935, pertaining to and providing for appeals from final assessments by the State Tax Commission.

Also:

H. 171. To amend Section 376 of the Code of Alabama of 1923, as amended by an Act of the Legislature of Alabama of 1927 entitled, "An Act to amend Sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923," approved August 20, 1927, as amended by an Act of the Legislature of Alabama of 1932, Extra Session, approved October 4, 1932, entitled, "An Act to amend Section 376 of the Code of Alabama of 1923 as amended by an Act of the Legislature of Alabama, approved August 20, 1927, entitled: 'An Act to amend Sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923,' found on page 274 of the Acts of 1927, as amended by an Act of the Legislature of Alabama of 1935 entitled, "An Act to amend Section 376 of the Code of Alabama of 1923, as amended by an act of the Legislature of Alabama of 1927 entitled, 'An Act to amend sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923,' approved August 20, 1927."

Also:

H. 204. To amend the title, and section 10, and section 16, and section 17, and to repeal section 11 of an act approved September 14, 1935, Entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide

for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such commission; to accept the benefit of an Act of Congress, approved June 6, 1933, Entitled "An Act to provide for the establishment of a National employment system and for cooperation with the states in the promotion of such system and for other purposes", to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this act; to establish an unemployment administration fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this act." (1935 Acts, page 950)

Also:

H. 256. To amend Section 7795 of the Code of Alabama of 1923, relating to the issuance by clerks and registers of executions on judgments and decrees.

Also:

H. 294. An Act to propose an amendment to the Constitution of the State of Alabama of 1901, whereby the Town of Montevallo, Alabama, may levy and collect a rate of taxation on the property situated therein not exceeding in the total in any one year one and one half per centum of the value of such property, as assessed, as provided by the Constitution and statutes now or hereafter enacted pursuant to the Constitution; provided that the total rate of taxation levied by such municipal corporation shall not in any one year exceed one per centum, unless the rate of excess thereof shall have been submitted to and authorized by ballot by the qualified electors of such municipality, at an election or elections to be held by it from time to time for such purpose, and to order an election of the qualified electors of the State of Alabama upon such proposed amendment to be held at the next general election for state and county officers in November 1936.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama of 1901 is hereby proposed and an election

is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment, and the day hereby appointed for such election is the general election to be held in 1936. The proposed amendment is as follows:

The Town of Montevallo, Alabama, shall have the power and right to levy and collect a tax of one half of one per centum in any one year on property situated therein based on the valuation of such property as assessed for State taxation for the tax year ending on the 30th day of September next succeeding the levy; provided, that for the purpose of paying bonds issued and outstanding at the time of the adoption of this amendment and the interest thereon, and for the purpose of paying bonds which may be issued after the adoption of this amendment and the interest thereon, an additional tax of one half of one per centum may be levied and collected by said municipality, provided, further, that a majority of the qualified electors of said municipality voting at an election called for that purpose may vote a special tax not to exceed one half of one per centum in any one year for any special purpose, or purposes for which it is levied and collected; provided, however, that the total tax to be levied shall not exceed one and one half ($1\frac{1}{2}$) per centum in any one year, Provided, further that the adoption of this amendment shall in no wise affect, limit, modify, abridge or impair the power, authority or right of said municipal corporation to levy and collect the special school taxes, now or hereafter vested in or conferred upon it, under the Constitution or any amendment thereto, Each election held under the provisions hereof shall be ordered, held, canvasses and may be contested in the same manner as is or may be provided by law applicable to municipal corporations for elections to authorize the issuance of municipal bonds. The ballots used at such election shall contain the words; "For_____ excess rate of taxation for the year (or years)_____;" and "Against_____ excess rate of taxation for the year (or years)_____". The rate of taxation proposed in excess of the rate of one (1) per centum to be shown in the blank space provided therefor, and the year or years in which the proposed rate is to apply to be shown in the blank space provided therefor. The voter shall record his choice, whether for or against the excess rate shown by placing a cross mark before the words expressing his choice. Nothing herein contained shall in any wise change or affect the right of any holder of bonds of said municipal corporation heretofore issued. Elections to authorize the levy of such special tax may be held as often as ordered by the governing body of the municipality, but when a proposition is submitted to the electors of said municipality to levy a special tax for a specified purpose, and such proposition is defeated, no second election for the same purpose shall be held in one year thereafter.

Section 2. It shall be the duty of the governor to give notice by proclamation, to be published in one newspaper in each county in the State, at least eight consecutive weeks next preceding the said election on the amendment proposed by this act to be submitted to the qualified electors of the State for their consideration, together with the proposed amendment.

Section 3. That at the said election on the amendment proposed by this act to be submitted to the qualified electors of the State for their consideration, to be held as herein provided for, the qualified electors shall vote upon said amendment, and on the official ballots printed for such election there shall be printed the following, viz; Shall the following be adopted as an amendment to the Constitution of Alabama: The Town of Montevallo, Alabama, shall have the power and the right to levy and collect a tax of one half of one per centum in any one year on property situated therein, based on the valuation of such property as assessed for state taxation for the tax year ending on the 30th day of September next succeeding the levy; provided that for the purpose of paying bonds issued and outstanding at the time of the adoption of this amendment and the interest thereon, and for the purpose of paying bonds which may be issued after the adoption of this amendment and the interest thereon, and for the purpose of paying bonds which may be issued after the adoption of this amendment and the interest thereon an additional tax of one half of one per centum may be levied and collected by said municipality; provided further, that a majority of the qualified voters of said municipal corporation voting at an election called for the purpose may vote a special tax not to exceed one half of one per centum in any one year for any special purpose or purposes, which tax shall be used only for the purpose or purposes for which the same was levied and collected; provided, however, that the total tax to be levied by any municipal corporation shall not exceed one and one half (1½) per centum in any one year, Each election held under the provisions hereof shall be ordered, held, canvassed and may be contested in the same manner as is or may be provided by the law applicable to the municipal corporation for elections to authorize the issuance of municipal bonds. The ballots used at such election shall contain the words; "For _____ excess rate of taxation for the year (or years) _____," and "Against excess rate of taxation for the year (or years) _____." The rate of taxation proposed in excess of the rate of one per centum to be shown in the blank space provided therefor and the year or years in which the proposed rate is to apply to be shown in the blank space provided therefor and in the event different excess rates are proposed for different years the words mentioned shall be repeated as often as may be necessary to show separately the different excess rates

proposed to be applied to the respective years. And the voter shall record his choice, whether for or against the excess rate or rates shown, by placing a cross mark before the words expressing his choice. Nothing herein contained shall in any wise change or affect the right of any holder of bonds of said municipal corporation heretofore issued. Elections to authorize the levy of such special tax may be held as often as ordered by the governing body of the municipality, but when a proposition is submitted to the electors to levy a special tax for a specified purpose, and such proposition is defeated no second election for the same purpose shall be held in one year thereafter. This amendment shall be self-executing and no act of the legislature shall be required to put the same or any part thereof, in force.

Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No". The choice of the elector shall be indicated by a cross mark made by him, or under his direction, opposite the word expressing his desire.

Section 4. That the officers to hold such election shall be the same, and shall be appointed in the same manner and by the same officials as provided by the election law of the State for the appointment of officers to hold general elections in this State, and the election shall be held in all things in accordance with the law governing general elections and with the constitutional provisions concerning amendments to that instrument.

Section 5. That the votes cast at said election shall be counted, canvassed and tabulated and return made to the Secretary of State in the same manner as in elections of representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid in all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by proclamation of the Governor.

Section 6. The expenses of the election herein provided for and the cost of the publication of the notices shall be paid out of the state treasury in the same manner as the expenses of the general elections are paid.

Section 7. Provided the right herein granted to levy additional taxes when the proposed amendment to the Constitution of the State of Alabama of 1901, is ratified at the next general election for state and county officers in November 1936, shall not be exercised unless and until same is ratified by a majority vote of the voters of the Town of Montevallo at a special election to be held when called by the Mayor and Council of the Town of Montevallo.

Also:

H. 327. To amend Section 10 of an Act entitled "An Act to further provide for freeing Alabama highways of all toll bridges, through a corporation to be composed of the President of the State Board of Administration, the State Comptroller and the Chairman of the State Highway Commission, whose incorporation is authorized and to prescribe the power and authority of such corporation and provide it with funds necessary to enable it to accomplish the purpose of its creation," approved September 7, 1935.

Also:

H. 329. To amend Sections 4, 8, and 11 of an Act entitled "An Act to authorize the creation and incorporation of a Commission, providing for its powers and duties, authorizing it to lease or purchase construct and reconstruct Highway Bridges, approaches and appurtenances thereto, across any river in the State of Alabama or across any body of water separating the mainland of the State of Alabama from any island forming a part of the State of Alabama, to maintain and operate said bridges, approaches and appurtenances thereto, and charge tolls thereon, and to issue bonds; providing for the payment of such bonds and providing for the rights and remedies of bondholders," approved February 7, 1935, as amended by an Act entitled "An Act to amend Section 2 of an Act entitled 'An Act to authorize the creation and incorporation of a Commission, providing for its powers and duties, authorizing it to lease or purchase, construct and reconstruct Highway Bridges, approaches and appurtenances thereto, across any river in the State of Alabama or across any body of water separating the mainland of the State of Alabama from any island forming a part of the State of Alabama, to maintain and operate said bridges, approaches and appurtenances thereto, and charge tolls thereon, and to issue bonds; providing for the payment of such bonds and providing for the rights and remedies of bondholders' approved February 7, 1935," approved July 8, 1935.

Also:

H. 330. To amend Section 1 of an Act entitled "An Act to declare all toll bridges and toll ferries connected with or forming a part of any State or County public highway in the State of Alabama to be public utilities; to impose upon such toll bridges and toll ferries all the public obligations and to give them all the rights and privileges applying to other public utilities under the provisions of the Alabama Public Utility Act of 1920; and to make such toll bridges and toll ferries subject to regulation by the Public Service Commission in like manner as other public utilities are sub-

ject to regulation by said Commission under said Act," approved August 26, 1935.

Also:

H. 331. To amend Section 7 of an Act entitled "An Act to provide for the leasing, buying, condemning, otherwise acquiring, and/or freeing of any and all toll bridges within the State by the State Highway Department, with the approval of the Governor, and to provide the method and manner in which said leasing, purchasing, condemning, otherwise acquiring, and/or freeing of any and all of said bridges shall be accomplished; and to authorize and empower the State Highway Department to make, enter into and execute, with the approval of the Governor, any and all contracts or agreements necessary for the accomplishment of the purpose of this Act and to set aside and pledge from its revenues a sum not in excess of \$300,00.00, annually, therefor, for a period not exceeding thirty years," approved July 10, 1935.

Also:

H. 369. To amend Section Two of an Act of the Legislature of 1931 to provide for the election of a County Superintendent of Education for Geneva County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers, and duties, and to provide for the election of his successor in office.

Also:

H. 398. An Act to submit to the qualified voters of the State at the next general election to be held on the first Tuesday after the first Monday in November, 1936 for their consideration, an Amendment to the Constitution of the State of Alabama to be known as Amendment No. to fix the compensation of the Probate Judge, the Tax Collector and the Tax Assessor of Limestone County.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration as hereinafter set forth, namely: "Amendment to Constitution by the addition of Section After the respective effective dates hereof the Probate Judge, the Tax Collector and the Tax Assessor of Limestone County shall each continue to collect all fees, charges, benefits and penalties accruing to such offices or to the holders thereof and shall pay the same into, and the shall be covered into the general fund of the Treasury of Limestone County. Thereafter the Probate Judge shall be paid out of the General Fund of the Treasury of

said County in equal monthly installments the sum of Six Thousand Dollars (\$6,000.00) and no more per annum as salary and as reimbursement for his clerk hire, and the Tax Collector and the Tax Assessor shall each be paid the sum of Three Thousand Dollars (\$3,000.00) from the same fund for the same purposes and in the same installments. The Probate Judge, the Tax Collector and the Tax Assessor shall each be provided by the governing body of said County with a furnished office and equipment and supplies for the carrying on of the duties of their respective office, but they shall not be provided with any clerical hire. The provisions hereof shall be effective with respect to the Probate Judge at the beginning of the term of office of the Probate Judge elected in November, 1940, and with respect to the Tax Collector and the Tax Assessor at the beginning of the term of office of the Tax Collector and the Tax Assessor elected in November, 1938."

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in the State at least four successive weeks next preceding the general election in November, 1936, of the election and the amendment proposed by this Act to be submitted to the qualified voters of the State for their consideration, together with the proposed amendment.

Section 3. That at the general election held on the first Tuesday after the first Monday in November, 1936, the foregoing Amendment shall be submitted to the qualified electors of the State. Upon the ballots used at such election shall be printed the foregoing Amendment as set forth in Section One hereof in full. Following the proposed Amendment on the Ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No". The choice of the elector shall be indicated by a cross mark beside the word expressing his desire.

Section 4. The officers of such general election shall conduct a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon such proposed amendment the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor.

T. H. Street,
Vice-Chairman.

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

RECONSIDERATION OF VOTE

Mr. Chichester moved to reconsider the vote by which the bill:

S. 64. To provide for the appointment by Circuit Judges of Court Bailiffs in all Circuits composed of more than one County and having two Circuit Judges and to provide for the compensation of such bailiffs.

Was defeated on the Twenty-Fourth Legislative Day. Mr. Hanks moved to table the motion of Mr. Chichester and the motion to table was lost. The motion of Mr. Chichester was adopted.

And the bill:

S. 64. To provide for the appointment by Circuit Judges of Court Bailiffs in all Circuits composed of more than one County and having two Circuit Judges and to provide for the compensation of such bailiffs.

Was read a third time at length and passed by a two-thirds majority of the House:

Yeas, 75; Nays, 14.

Yeas:

Messrs.:

Adams	Goodwyn	Miller	Sanford
Austin	Goolsby	Moore	Shaver
Bateman	Haley	McDermott	Shipman
Boswell	Hall	McGowin	Sightler
Braswell	Hare	McPhaul	Sparks (Barbour)
Bridges	Hill	Norman (Bullock)	Sparks (Walker)
Britton	Hollis	Norman (Lowndes)	Spence
Buffington	Johnston	Owen (Etowah)	Steele
Calhoun	Jones	Parish (Henry)	Street
Castleberry	Kelly	Parish (Pike)	Terry
Chichester	Kirby	Poole	Tidmore
Connor	Langdon	Propst	Todd
Cook	Lee (Bullock)	Rayburn	Tolbert
Davis	Lee (Monroe)	Reeder	Tompkins
Denson	Livingston	Reid	Toomer
Dominick	Lusk	Reynolds	Wallace
Doster	Matthews	Robertson (Culiman)	Welch
Douglass	Merrill	Robinson (Lowndes)	Whigham
Glover	Miles	Sanderson	

Nays:

Messrs.:

Mr. Speaker
Blann
Bulger
Byars

Delony
Hamner
Hanks
Henson

Owens (Madison)
Posey (Walker)
Quarles

Taylor
Williams
Wright

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RESOLUTION ON THIRD READING

H. J. R. 73. Requesting the Governor to include certain subjects in call for next extra session.

Was taken up. Mr. Sparks (Barbour) offered the following substitute for the resolution, H. J. R. 73:

WHEREAS, we believe:

1. That a new appropriation bill should be passed to balance outgo with income.

2. That provisions should be made for all executive and legislative economies in the administration of the various functions of government;

3. That departments of government should be consolidated and co-ordinated, where possible.

4. That the educational system should be reformed and revised so that they may render the best service for the amount of appropriations allotted.

5. That the activities of government should not be expanded beyond the ability of a people, reasonably taxed, to sustain.

6. That no additional taxes should be considered until it is definitely ascertained there will be insufficient revenue for needed appropriations after all economies have been effected and existing tax laws rigidly, fairly and equally enforced.

7. That a plan for state employment in the interest of continuing efficiency should be provided.

THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate concurring,

That, in the event of another call for an extra session, the Governor is respectfully urged:

(a) to embrace the above subjects in his proclamation,

(b) To appoint a Committee of the two houses, or an independent commission, composed of persons who adhere to and believe in the principles herein stated, and who represent the views of those members of the Legislature who have consistently adhered to those principles.

(c) To name such committee or commission a reasonable length of time before the convening the Legislature. The duty of the committee or commission shall be to study, the principles stated, prepare bills embodying them and report and transmit such bills to any subsequent session of this Legislature.

(d) To provide for the payment of the per diem and all expenses including travel and subsistence, and all clerical help, of such committee or commission, out of the Governor's emergency fund.

Mr. Castleberry offered the following amendment to the substitute:

Castleberry Amendment H. J. R. 73:

Amend Sec. 2 of substitute for H. J. R. 73 so that the same shall read as follows:

2. That provisions should be made for all executive, Legislative, and judicial economies in the administration of the various functions of Government:

Mr. Tolbert moved to indefinitely postpone the resolution, H. J. R. 73, and pending substitute and the motion was lost.

Yeas, 32; Nays, 60.

Yeas:

Messrs.:

Arnold	Glover	Kirby	Reid
Blann	Goodwyn	Langdon	Reynolds
Boswell	Hamner	Lee (Bullock)	Sanford
Bridges	Heflin	Miller	Sightler
Byars	Hendley	McPhaul	Tidmore
Calhoun	Henson	Owens (Madison)	Tolbert
Carter	Hill	Poole	Tompkins
Denson	Hollis	Rayburn	Toomer

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Nays:

Messrs.:

Mr. Speaker	Haley	Moore	Shipman
Adams	Hall	McDermott	Sparks (Barbour)
Austin	Hanks	McGowin	Sparks (Walker)
Bateman	Hare	Norman (Bullock)	Spence
Buffington	Harrison	Norman (Lowndes)	Steele
Bulger	Johnston	Parish (Henry)	Street
Castleberry	Jones	Parish (Pike)	Taylor
Chichester	Kelly	Petrey	Terry
Connor	Lee (Monroe)	Posey (Walker)	Todd
Davis	Livingston	Quarles	Waldrep
Delony	Long	Reeder	Wallace
Dominick	Lusk	Robertson (Cullman)	Welch
Doster	Matthews	Robinson (Lowndes)	Whigham
Douglass	Merrill	Sanderson	Williams
Goolsby	Miles	Shaver	Wright

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The amendment to the substitute was adopted. The substitute, as amended, was adopted and the resolution, H. J. R. 73, as amended by the substitute as amended, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 35. To declare and fix the priority of the claims of local registrars of vital statistics in the several counties in the State.

Also:

S. 66. To authorize cities, towns and counties of Alabama, of 6,000 population and over, to acquire sites for, and to acquire, establish and maintain Public Museums and Art Galleries, and to Authorize the Administration thereof by instrumentalities selected by the governing bodies of such cities, towns and counties.

Also:

S. 74. An Act to provide for and submit to the qualified electors of the State of Alabama at the General election to be held on the Third day of November, 1936, an amendment to the Constitution of Alabama, as follows: "The Courts of all counties of Alabama, having original jurisdiction in criminal cases, may suspend the execution or imposition of sentences upon persons convicted of crime, where the punishment does not exceed five years imprisonment, and place such persons on probation, and may thereafter impose sentence or order sentence executed, or remit such punishment as may seem to the court right and just and to the best interest of society;" to provide for notice of said election; to provide the form of ballot for the canvassing of returns and to prescribe the method whereby the result of said election shall be known and to further provide for expenses and costs of publication of notices of this proposed amendment.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of this State for their consideration at the General election to be held on the third day of November 1936, to-wit; "The Courts, in all counties of Alabama having original jurisdiction of Criminal cases, may suspend the execution or imposition of sentences upon persons convicted of crime, where the punishment does not exceed five years imprisonment, and place such persons on probation and may hereafter impose sentence or order sentence executed, or remit such punishment as may seem to the court right and just and to the best interest of society".

Section 2. That it shall be the duty of the Governor of the State of Alabama, to give notice, by proclamation, of the fact that such election will be held on the day hereby appointed for action

by the electorate upon the amendment hereby proposed by this act to be submitted to the qualified electors of the State for their consideration; and such proclamation shall also set out the proposed amendment. The said proclamation shall be published in one newspaper in each county in the State for at least eight successive weeks next preceding the day hereby appointed for the said election.

Section 3. That at said election on the amendment proposed by this act to be submitted to the qualified electors of the State of Alabama, for their consideration, the qualified electors shall vote upon said amendment and on the official ballots printed for such election, there shall be printed the following: "Shall the following be adopted as an amendment to the Constitution of the State of Alabama: "The Courts in all counties of Alabama, having original jurisdiction in criminal cases, may suspend the execution or imposition of sentences upon persons convicted of crime, where the punishment does not exceed five years imprisonment, and place such persons on probation, and may thereafter impose sentence or order sentence executed, or remit such punishment as may seem to the court right and just and to the best interest of society". Following the proposed amendment on the ballot shall be printed the word "yes" and immediately under that shall be printed the word "no". The choice of the elector shall be indicated by a cross mark made by him, or under his direction opposite the word expressing his desire.

Section 4. That the votes cast at said election shall be counted, canvassed, and tabulated and return made to the Secretary of State in the same manner as in elections of representatives to the Legislature; and if it thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment, voted in favor same, such amendment shall become a part of the Constitution of Alabama, and shall be in all its intents and purposes valid as such a part of the Constitution.

Section 5. That the result of such election be made known by proclamation of the Governor.

Section 6. That the expenses and the cost of the publication of the notices, shall be paid out of the State Treasury.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds

vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing Message from the Senate.

BILLS ON THIRD READING

S. 151. To specify what stated purposes shall control in the expenditure of the proceeds of certain special three-mill district school taxes or special three mill county school taxes where the petition for the tax election, the order of the county governing body calling the election, the notice of the election, or the official ballot provided vary in the statement of the purposes to which the proceeds of such tax shall be devoted; to provide that such variance shall not invalidate any such election or the levy and collection of taxes voted; to provide for the curing of such variances; and to provide further what constitutes submission of purposes to which the proceeds of such tax shall be devoted within the provisions of the Special School Tax Amendment to the State Constitution.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 67; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Hall	Norman (Bullock)	Sightler
Adams	Hare	Norman (Lowndes)	Sparks (Walker)
Arnold	Heflin	Owen (Etowah)	Staples
Austin	Henson	Owens (Madison)	Street
Calhoun	Hill	Parish (Henry)	Terry
Carter	Hollis	Parish (Pike)	Tidmore
Castleberry	Johnston	Poole	Todd
Chichester	Kelly	Posey (Walker)	Tolbert
Connor	Langdon	Quarles	Tompkins
Cook	Livingston	Reid	Toomer
Delony	Long	Reynolds	Waldrep
Denson	Lusk	Robertson (Cullman)	Wallace
Dominick	Merrill	Robinson (Lowndes)	Welch
Doster	Miles	Sanderson	Whigham
Goodwyn	Moore	Sanford	Williams
Goolsby	McDermott	Shaver	Wright
Haley	McGowin	Shipman	

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S. 84. To authorize the employment in their discretion by municipalities in Alabama having a population of not less than twenty-five hundred and not more than fifteen thousand, according to the last or any succeeding Federal census, of a City Manager; and to provide for the authority, duties, liabilities and penalties, the term of office and the compensation of City Managers so employed.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 71; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Goolsby	Moore	Sightler
Adams	Haley	McDermott	Sparks (Barbour)
Arnold	Hanks	McGowin	Sparks (Walker)
Austin	Hare	Norman (Lowndes)	Spence
Boswell	Harrison	Owen (Etowah)	Staples
Bridges	Heflin	Owens (Madison)	Steele
Bulger	Henson	Parish (Henry)	Street
Byars	Hill	Parish (Pike)	Terry
Calhoun	Hollis	Petrey	Tidmore
Carter	Johnston	Posey (Walker)	Todd
Chichester	Jones	Propst	Tolbert
Cook	Langdon	Reeder	Tompkins
Davis	Livingston	Reynolds	Waldrep
Delony	Long	Robinson (Lowndes)	Welch
Denson	Lusk	Sanderson	Whigham
Dominick	Matthews	Sanford	Williams
Doster	Merrill	Shaver	Wright
Goodwyn	Miller	Shipman	

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BILLS INDEFINITELY POSTPONED

On motion of Mr. Welch S. 123 and S. 140 were indefinitely postponed.

BILL ON THIRD READING

S. 179. To authorize and empower the Court of County Commissioners of Henry County to expend an amount not to exceed one-third of the total amount that may be received from the levy and collection of the tax on gasoline under and by virtue of the House Bill 324, of the regular session of the Legislature of 1935, approved by the Governor July 10, 1935, in payment of any debts heretofore created in the construction, repair or maintenance of the roads and bridges of the County including bonded indebtedness.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Blann	Bulger	Davis
Adams	Boswell	Byars	Delony
Arnold	Braswell	Calhoun	Denson
Austin	Bridges	Carter	Douglass
Bateman	Britton	Cook	Glover

Goolsby	Kirby	Poole	Taylor
Haley	Langdon	Propst	Terry
Hall	Livingston	Quarles	Tidmore
Hanks	Long	Reeder	Todd
Hare	Lusk	Reid	Tolbert
Heflin	Miles	Shaver	Tompkins
Hendley	Miller	Shipman	Toomer
Henson	Moore	Sightler	Wallace
Hill	McGowin	Spence	Welch
Hollis	McPhaul	Steele	Williams
Jones	Parish (Henry)	Street	Wright
Kelly	Petrey		

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BILLS INDEFINITELY POSTPONED

On motion of Mr. Tolbert S. 187 and S. 190 were indefinitely postponed.

On motion of Mr. Arnold S. 42 was indefinitely postponed.

BILLS ON THIRD READING

S. 134. To amend Section 793, of the Code of Alabama, 1923.

Was read a a third time at length and passed by a two-thirds majority of the House.

Yeas, 73; Nays, 0.

Yeas:

Messrs.:			
Arnold	Hall	Moore	Sightler
Austin	Hamner	McDermott	Sparks (Barbour)
Bateman	Hare	McGowin	Sparks (Walker)
Blann	Harrison	Norman (Bullock)	Spence
Boswell	Heflin	Norman (Lowndes)	Staples
Britton	Henson	Owen (Etowah)	Steele
Bulger	Hill	Owens (Madison)	Street
Byars	Hollis	Parish (Henry)	Terry
Calhoun	Johnston	Parish (Pike)	Tidmore
Castleberry	Jones	Posey (Walker)	Todd
Chichester	Lee (Bullock)	Propst	Tolbert
Cook	Lee (Monroe)	Rayburn	Tompkins
Delony	Livingston	Reeder	Toomer
Denson	Long	Reynolds	Waldrep
Dominick	Lusk	Robertson (Cullman)	Welch
Doster	Matthews	Robinson (Lowndes)	Whigham
Douglass	Merrill	Sanderson	Williams
Glover	Miles	Shaver	Wright
Goodwyn			

—73

S. 135. To amend Section 798, of the Code of Alabama, 1923.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 73; Nays, 0.

Yeas:

Messrs.:

Arnold	Hall	Moore	Sightler
Austin	Hamner	McDermott	Sparks (Barbour)
Bateman	Hare	McGowin	Sparks (Walker)
Blann	Harrison	Norman (Bullock)	Spence
Boswell	Heflin	Norman (Lowndes)	Staples
Britton	Henson	Owen (Etowah)	Steele
Bulger	Hill	Owens (Madison)	Street
Byars	Hollis	Parish (Henry)	Terry
Calhoun	Johnston	Parish (Pike)	Tidmore
Castleberry	Jones	Posey (Walker)	Todd
Chichester	Lee (Bullock)	Propst	Tolbert
Cook	Lee (Monroe)	Rayburn	Tompkins
Delony	Livingston	Reeder	Toomer
Denson	Long	Reynolds	Waldrep
Dominick	Lusk	Robertson (Cullman)	Welch
Doster	Matthews	Robinson (Lowndes)	Whigham
Douglass	Merrill	Sanderson	Williams
Glover	Miles	Shaver	Wright
Goodwyn			

—73

S. 136. To amend Section 10342 of the Code of Alabama, 1923.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 73; Nays, 0.

Yeas:

Messrs.:

Arnold	Hall	Moore	Sightler
Austin	Hamner	McDermott	Sparks (Barbour)
Bateman	Hare	McGowin	Sparks (Walker)
Blann	Harrison	Norman (Bullock)	Spence
Boswell	Heflin	Norman (Lowndes)	Staples
Britton	Henson	Owen (Etowah)	Steele
Bulger	Hill	Owens (Madison)	Street
Byars	Hollis	Parish (Henry)	Terry
Calhoun	Johnston	Parish (Pike)	Tidmore
Castleberry	Jones	Posey (Walker)	Todd
Chichester	Lee (Bullock)	Propst	Tolbert
Cook	Lee (Monroe)	Rayburn	Tompkins
Delony	Livingston	Reeder	Toomer
Denson	Long	Reynolds	Waldrep
Dominick	Lusk	Robertson (Cullman)	Welch
Doster	Matthews	Robinson (Lowndes)	Whigham
Douglass	Merrill	Sanderson	Williams
Glover	Miles	Shaver	Wright
Goodwyn			

—73

S. 89. To amend Sections 5 and 12 of an Act approved September 14, 1935, entitled "An Act to authorize, provide for, and regulate non-profit corporations for the establishment, maintenance and furnishing of a plan of hospitalization and hospital service."

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 70; Nays, 1.

Yeas:

Messrs.:			
Mr. Speaker	Glover	Miller	Sightler
Adams	Goodwyn	Moore	Sparks (Walker)
Austin	Goolsby	McDermott	Spence
Bateman	Haley	Norman (Bullock)	Staples
Boswell	Hall	Norman (Lowndes)	Steele
Bridges	Heflin	Owen (Etowah)	Street
Britton	Hendley	Parish (Henry)	Terry
Byars	Hill	Parish (Pike)	Tidmore
Calhoun	Hollis	Petrey	Todd
Castleberry	Johnston	Propst	Tolbert
Chichester	Kirby	Quarles	Tompkins
Connor	Lee (Monroe)	Rayburn	Toomer
Cook	Livingston	Reid	Waldrep
Davis	Long	Reynolds	Welch
Delony	Lusk	Robertson (Cullman)	Whigham
Denson	Matthews	Robinson (Lowndes)	Williams
Dominick	Merrill	Sanderson	Wright
Douglass	Miles		

—70

Nay: Mr. Braswell

— 1

REPORT OF STANDING COMMITTEE ON ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Enrolled Bills reports that it has examined the following House bill, and finds same correctly enrolled, to-wit:

H. 308. An Act to provide for and submit to the qualified electors of the State of Alabama at an election to be held at the next General Election after the final adjournment of the present session of the Legislature at which this amendment is proposed, An Amendment to the Constitution of Alabama whereby the following school districts: Andalusia, Attalla, Demopolis, Eufaula, Talladega, Munford, Lincoln, Winterborro and Laniers, Enterprise, Opp, Sylacauga, Clanton, Midland City and Montevallo and Hartselle, as now or hereafter constituted, in the State of Alabama may levy and collect a Special District Tax not exceeding 30 cents on each one hundred dollars worth of taxable property in such district, in addition to that now authorized or that may hereafter be authorized, for public school purposes, and in addition to that now authorized under Section 260 of Article XIV and Section 2 of Article XIX of the Constitution, provided that the rate of such tax, the period it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of such School District and voted for by a majority of those voting at such election; provided further that the said district tax shall not be

voted or collected in said districts unless and until the County in which said School District is located is levying and collecting not less than a 3-Mill County-wide Special School tax.

Be it enacted by the Legislature of Alabama:

Section 1. That the follownig amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of the State of Alabama for their consideration and actions at an election to be held at the next General Election after the final adjournment of the present session of the Legislature at which this amendment is proposed, to-wit: That the following school districts as defined in Section 2 of Article XIX of the Constitution: Andalusia, Attalla, Demopolis, Eufaula, Talladega, Munford, Lincoln, Winterborro and Laniers, Enterprise, Opp, Sylacauga, Clanton, Midland City and Montevallo and Hartselle, as now or hereafter constituted in the State of Alabama shall have the power and the right to levy and collect a Special District Tax not exceeding 30 cents on each one hundred dollars worth of taxable property in such district, in addition to that now authorized or that may hereafter be authorized for public school purposes; and in addition to that now authorized under Section 2 of Article XIX of the Constitution and Section 260, Article XIV of the Constitution, provided that the rate of such tax, the period it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of such School District and voted for by a majority of those voting in such election; provided further that the said District Tax shall not be voted or collected in said Districts unless and until the County in which said school district is located is levying and collecting not less than a 3-Mill County-wide School Tax for the period for which the district levy is proposed. Upon the request of the City Board of Education or such governing Board of Education as is exercising the duties of the City Board of Education of the cities of Andalusia, Attalla, Demopolis, Eufaula, Talladega, Munford, Lincoln, Winterborro and Laniers, Enterprise, Opp, Sylacauga, Clanton, Midland City and Montevallo and Hartselle respectively, to the Court of County Commissioners or other governing body of the county in which said city is located, said Court shall order an election to be held at the time requested by said Board of Education to determine whether or not said special tax shall be levied for public school purposes within said School Districts; said election to be held and returns made and result declared as provided in Article XIII of the School Code of 1927, or other method provided by general law for holding elections for levying school district taxes. This Amendment shall be self executing and no Act of the Legislature shall be required to put same in force.

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in the State at least for consecutive weeks next preceding the said election on the Amendment proposed by this Act to be submitted to the qualified electors of the State for their consideration, together with the proposed Amendment.

Section 3. That at the said election on the Amendment proposed by this Act to be submitted to the qualified electors of the State for their consideration, to be held as herein provided for, the qualified electors shall vote upon said Amendment and on the official ballot printed for such election there shall be printed the following, viz., "Shall the following be adopted as an Amendment to the Constitution of Alabama: The following School Districts as defined in Section 2, Article XIX of the Constitution: Andalusia, Attalla, Demopolis, Eufaula, Talladega, Munford, Lincoln, Winterborro and Laniers, Enterprise, Opp, Sylacauga, Clanton, Midland City and Montevallo and Hartselle as now or hereafter constituted in the State of Alabama shall have the power and right to levy and collect annually a Special District Tax not exceeding 30 cents on each one hundred dollars worth of taxable property in such district, in addition to that now authorized or that may hereafter be authorized, for public school purposes; and in addition to that now authorized under Section 2 of Article XIX of the Constitution and Section 260, Article XIV of the Constitution, provided that the rate of such tax, the period it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of such School District and voted for by a majority of those voting in such election; provided further that the said District tax shall not be voted or collected in said Districts unless and until the County in which said school district is located is levying and collecting not less than a 3-Mill County-wide School Tax for the period for which the district levy is proposed. Upon the request of the City Board of Education or such governing Board of Education as is exercising the duties of the City Board of Education of the cities of Andalusia, Attalla, Demopolis, Eufaula, Talladega, Munford, Lincoln, Winterborro and Laniers, Enterprise, Opp, Sylacauga, Clanton, Midland City and Montevallo and Hartselle, respectively, to the Court of County Commissioners or other governing body of the county in which said city is located, said Court shall order an election to be held at the time requested by said Board of Education to determine whether or not said special tax shall be levied for public school purposes within said School District; said election to be held and returns made and result declared as provided in Article XIII of the School Code of 1927, or other method pro-

vided by general law for holding elections for levying school district taxes. This Amendment shall be self executing and no Act of the Legislature shall be required to put the same in force.

-----Yes -----No.”

Section 4. That the officers who hold such election shall be the same and shall be appointed in the same manner and by the same officials as provided by the general election laws of the State of Alabama for the appointment of officers and the holding of general elections in this State, and the election shall be held under and in all things governed by and had in accordance with the Constitutional provisions touching amendments to the Constitution of the State of Alabama.

Section 5. That the votes cast at said election shall be counted, canvassed, and tabulated and return made to the Secretary of State in the same manner as in elections of representatives to the Legislature; and if it thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment, voted in favor of the same, such amendment shall become a part of the Constitution of Alabama, and shall be in all its intents and purposes valid as such part of the Constitution.

Section 6. The result of such election shall be made known by proclamation of the Governor.

Section 7. The expenses of the election herein provided for and the costs of the publication of the notices shall be paid out of the State Treasury in the same manner that the expenses of general elections are paid.

Dan Gullett Cook,
Chairman.

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the report of the Committee of Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 117. To provide for a more economical, convenient and uniform system of assessing and collecting taxes on real estate, in all Counties having a population of forty thousand or more, according to the last Federal census.

Said Conference Report being in the following words and figures to-wit:

REPORT OF THE JOINT COMMITTEE ON CONFERENCE
ON S. B. 117

To the Senate and House of Representatives of Alabama:

We your Conference Committee appointed on S. B. 117, beg leave to report as follows:

1. We recommend that the attached bill be substituted for S. B. 117.
2. We recommend the adoption of the substitute.

HAYSE TUCKER,
J. A. SIMPSON,
C. M. A. ROGERS,
Conferees on the part of the Senate
W. S. WELCH,
WM. P. McDERMOTT,
AUBREY DOMINICK,
Conferees on the part of the House.

Substitute for S. 117:

A BILL

To be entitled An Act to provide for a more economical, convenient and uniform system of assessing and collecting taxes on real estate, including the enforcement of tax liens, in all Counties having a population of 110,000 or more, according to the last, or any succeeding Federal Census.

Be it enacted by the Legislature of Alabama:

Section 1. The purpose of this act is to provide for a more convenient, economical and uniform system of assessing and collecting taxes on real estate by authorizing the tax assessing authorities in counties having a population of 110,000 or more according to the last, or any succeeding Federal census, to assess each lot or parcel of land separately to the owner last assessing said property or to the owner of record and annually thereafter under a unit system of assessment of real property, by assessing each lot or parcel of land, together with the improvements thereon, separately, and determining the value and the amount of taxes on each separate item of property so assessed.

Section 2. DEFINITION. (a) The words "tax assessor" shall mean any legally constituted authority having the duty to assess real property for State and County purposes.

(b) The word "Owner" shall include all persons owning land, or improvements thereon, or owning any interest therein, or acting as agent, administrator, executor, or trustee of any owner, or estate owning any lands or improvements thereon, or any interest therein, subject to ad valorem taxes.

(c) "Unit System" of assessment shall mean the assessment of each lot or parcel of land, together with the improvements thereon, separately to the owner thereof.

Section 3. In all counties now having, or which may hereafter have, a population of 110,000 thousand, or more, according to the last, or any succeeding Federal census, the tax assessor, shall have the right and authority, beginning in October 1st of any taxable year, and annually thereafter, to make a separate assessment of each lot or parcel of land, together with the improvements thereon, assessing the same to the party last assessing said property, as shown by the Tax Assessor's records in said County, or to the owner of record. The failure of said assessor to assess said property against the true owner of said property shall not invalidate said assessment. The work of making said assessment as provided for herein, shall be completed by January 1st of said taxable year. The assessment shall show a description of the property assessed, the name of the owner to whom said property is assessed, the assessed valuation for the preceding tax year, and such other information as the assessor deems proper for the proper assessment of said property. It shall be the duty of any owner of any real estate on which improvements have been made or on which improvements have been removed or destroyed or partially removed or destroyed during any taxable year to notify the tax assessor on or before December 1st of all such changes made subsequent to October 1st of the preceding tax year.

In assessing any lot or parcel of land to any owner, the assessor shall assess to him the largest contiguous lot or parcel of land owned by him, except upon request of the owner, the assessor shall assess separately any lot or parcel of land that has been subdivided and a map thereof has been filed for record, or shall assess separately any lot or parcel of land of reasonable size and shape.

Section 4. After making said assessment as herein provided for, and on or before the last Monday in January of each taxable year, the tax assessor shall deliver a copy of all of said assessments to the Board of Review, who shall place a value on said property so assessed for the present tax year, and shall complete said work of fixing the assessed value of said property on or before the last Monday in February.

Section 5. Any owner of any property shall have the right to protest the valuation placed on said property by said Board of Re-

view at any time after the Board of Review fixes the assessed value of said property, and before the third Monday in March. Said protest shall be in such form and shall be heard in such manner as now provided for by law, except that it shall be the duty of the Board of Review to hear said protests, beginning the first Monday in April, and shall complete the hearing of all protests within the time provided for by law. Upon the final hearing of each protest, the Board of Review shall enter its final judgment, giving the date of same, and shall immediately certify the same to the tax assessor. In the event the Board of Review raises the assessed value of any property, notice of such raise shall be given to the party to whom said property is assessed.

Section 6. After the assessments have been completed as herein provided, the tax assessor shall prepare a tax roll showing the name and address of the person against whom said property was assessed, the description of said property and spaces for the amount of taxes, interest, fees, etc., the form of which to be approved by the State Tax Commission and such roll shall be delivered to the tax collector on or before the 15th day of September. Taxes on such assessments shall be due October 1st and delinquent January 1st, thereafter.

Section 7. After the first day of January, the tax collector shall mail a statement to all delinquents addressed to the party in whose name said property was assessed, showing a description of the property, and the amount of taxes, fees and costs due thereon. It shall be the duty of such party to pay the taxes and fees assessed and charged against said property. But the failure to comply with the requirements of this section, or the failure to receive said statement shall not invalidate a sale of said property for taxes, nor invalidate the title of any property sold for taxes.

Section 8. It shall be the duty of the tax collector, within the time required by law, to furnish to the probate judge a list of all property on which the entire amount of taxes, assessed against the property described therein, have not been paid; said tax collector shall certify on said list the amount of unpaid taxes, fees and costs. On receiving a list of said property, the judge of probate, shall notify by mail, addressed to the person against whom any unpaid taxes are assessed, a notice stating that the tax collector has filed a list of property on which all the taxes, fees and costs have not been paid, and has certified that there remains due and unpaid on the property described in said notice, the amount of taxes, interest and fees as shown therein, and for said person to appear at the next term of said court, commencing on _____ Monday of _____ 19____, and show cause why said property

should not be sold for the payment of said taxes, interest and fees and penalties.

The failure to receive said notice shall not invalidate a sale of said property, nor the title of any property sold for taxes.

Section 9. Upon the trial of said cause, if no defense is interposed, or if interposed and on trial thereof, the same is adjudged insufficient in law, or is not sustained by the evidence adduced, the probate court shall make and enter a decree of sale substantially in the following form:

"It appearing to the Court that the taxes have been assessed against the property described in this cause to the amount of (state amount here) dollars for the year....., and that the same are still due and unpaid; and it further appearing that notice of this proceeding has been given as required by law, and no valid defense has been interposed against the sale of such real estate for the payment of taxes; it is therefore ordered, adjudged and decreed by the Court that the State of Alabama has a lien for the payment of said amount and for the additional sum of (state amount here) dollars, for fees, charges and costs in this behalf lawfully incurred. It is further ordered, adjudged, and decreed by the Court that said real estate be sold for the payment of said delinquent taxes, and of said fees, charges and costs and of the expenses of such sale." After said order of sale, the tax collector shall proceed to advertise and sell said property, and to have said sale confirmed as provided by law.

Section 10. This Act shall become effective in all counties subject hereto on October 1, 1936; Provided, the County Commission, Board of Revenue or other like or similar governing body of any such county may, on written request of the Tax Assessor of any such county, suspend the operation of this Act for not exceeding one year from and after said date by resolution duly passed and spread upon the minutes not less than thirty days prior to October 1, 1936.

Section 11. Each section of this Act, and every part of each section are hereby declared to be independent sections and parts of sections, and the holding of any section or part thereof to be void, ineffective, or unconstitutional for any cause shall not affect the other sections or parts thereof, and it is now declared that other parts of sections would have been enacted regardless of any section or parts of sections which might be held unconstitutional, inoperative or ineffective.

Section 12. All laws or parts of laws inconsistent with or conflicting with this act are hereby expressly repealed.

And said bill, S. 117, as thus amended by the report of the Conference Committee, was again read a third time at length and passed by the Senate.

And sends same herewith to the House.

J. E. Speight,
Secretary

SENATE MESSAGE

On motion of Mr. Welch the House concurred in and adopted the report of the Committee of Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 117. To provide for a more economical, convenient and uniform system of assessing and collecting taxes on real estate in all Counties having a population of forty thousand or more, according to the last Federal census.

Said report of the Committee of Conference being set out in the above and foregoing Message from the Senate:

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Glover	Lusk	Sightler
Adams	Goodwyn	Merrill	Spence
Arnold	Goolsby	Miles	Staples
Austin	Hall	Miller	Steele
Bateman	Hamner	Moore	Street
Blann	Hanks	McGowin	Taylor
Boswell	Hare	McPhaul	Terry
Bridges	Heflin	Petrey	Todd
Britton	Hendley	Poole	Tolbert
Bulger	Henson	Propst	Toomer
Byars	Hill	Quarles	Waldrep
Calhoun	Hollis	Rayburn	Wallace
Carter	Jones	Reeder	Welch
Connor	Kelly	Reid	Whigham
Cook	Kirby	Reynolds	Williams
Davis	Langdon	Shaver	Wright
Delony	Long		

—66

And the bill, S. 117, as thus amended by the report of the Committee of Conference, was again read a third time at length and passed by a two-thirds majority of the House:

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Bateman	Britton	Carter
Adams	Blann	Bulger	Connor
Arnold	Boswell	Byars	Cook
Austin	Bridges	Calhoun	Davis

Delony	Jones	Poole	Street
Glover	Kelly	Propst	Taylor
Goodwyn	Kirby	Quarles	Terry
Goolsby	Langdon	Rayburn	Todd
Hall	Long	Reeder	Tolbert
Hamner	Lusk	Reid	Toomer
Hanks	Merrill	Reynolds	Waldrep
Hare	Miles	Shaver	Wallace
Heflin	Miller	Sightler	Welch
Hendley	Moore	Spence	Whigham
Henson	McGowin	Staples	Williams
Hill	McPhaul	Steele	Wright
Hollis	Petrey		

—66

BILL ON THIRD READING

S. 158. To amend Section 1153 of the Code of Alabama of 1923, relating to public health.

Was read a third time at length and passed by a two-thirds majority of the House:

Yeas, 61; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Hall	Moore	Shipman
Arnold	Hamner	McDermott	Sparks (Walker)
Austin	Heflin	Norman (Bullock)	Spence
Boswell	Hendley	Norman (Lowndes)	Steele
Bridges	Henson	Owen (Etowah)	Taylor
Byars	Hill	Owens (Madison)	Tidmore
Calhoun	Hollis	Parish (Henry)	Todd
Castleberry	Langdon	Petrey	Tolbert
Chichester	Livingston	Poole	Tompkins
Connor	Long	Posey (Walker)	Toomer
Cook	Lusk	Quarles	Waldrep
Denson	Matthews	Reeder	Welch
Dominick	Merrill	Reid	Whigham
Douglass	Miles	Sanderson	Williams
Goodwyn	Miller	Shaver	Wright
Haley			

—61

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has non-concurred in the House amendment to the bill:

S. 126. To amend Section 18 of an Act approved September 14, 1935, and entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit

claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system and for other purposes"; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act."

And requests a Committee of Conference. Committee on part of the Senate Messrs. Stephens, Simpson and Browder.

J. E. Speight,
Secretary

SENATE MESSAGE

On motion of Mr. Lusk the House acceded to the request of the Senate for a Committee of Conference on the disagreement of the two Houses on the House amendment to the bill, S. 126, and the Speaker appointed as conferees on part of the House Messrs. Byars, Hill and McGowin.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has non-concurred in the House amendment to the bill:

S. 125. To amend an Act approved September 14, 1935, entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefit; to provide for the settlement of benefit claims; to provide for judicial review of disputed claims; to create an Unemployment Compensation Commission and to provide for its appointment, compen-

sation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system and for other purposes"; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act. This Act being approved September 14, 1935.

And requests a Committee of Conference. Committee on part of the Senate Messrs. Stephens, Simpson and Browder.

J. E. Speight,
Secretary

SENATE MESSAGE

On motion of Mr. Sightler the House acceded to the request of the Senate for a Committee of Conference on the disagreement of the two Houses on the House amendment to the bill, S. 125, and the Speaker appointed as conferees on part of the House Messrs. Byars, Hill and McGowin.

BILLS ON THIRD READING

S. 139. To amend Schedule 158.15 of Article 13 Chapter 6 of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Was read a third time at length and passed.

Yeas, 85; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker
Adams
Arnold
Austin
Bateman
Blann
Boswell

Braswell
Bridges
Britton
Buffington
Bulger
Byars
Calhoun

Castleberry
Connor
Cook
Davis
Delony
Denson
Dominick

Douglass
Glover
Goodwyn
Goolsby
Haley
Hall
Hamner

Hare	Merrill	Posey (Walker)	Sparks (Walker)
Heflin	Miles	Propst	Spence
Hendley	Miller	Quarles	Staples
Hill	Moore	Rayburn	Terry
Hollis	McDermott	Reeder	Tidmore
Johnston	McGowin	Reid	Todd
Jones	McPhaul	Reynolds	Tolbert
Kirby	Norman (Bullock)	Robertson (Cullman)	Tompkins
Langdon	Norman (Lowndes)	Robinson (Lowndes)	Toomer
Lee (Bullock)	Owens (Madison)	Sanderson	Waldrep
Lee (Monroe)	Parish (Henry)	Shaver	Welch
Livingston	Parish (Pike)	Shipman	Whigham
Long	Petrey	Sightler	Williams
Lusk	Poole	Sparks (Barbour)	Wright
Matthews			

—85

S. 43. To provide that in all counties in this State having a population of Fifty Thousand or more according to the last or any subsequent Federal Census, the work of the probation of convicts shall be a County purpose; that the Board of Revenue, County Commission or other governing or like governing bodies of such counties shall be authorized to expend County funds for such purpose; to provide that such governing bodies in all such counties shall have the power to appoint probation officers and to fix their compensation and to pay the same out of County funds; to provide regulations for arrest and detention of offenders by Probation Officers; to confer upon Probation Officers the same rights, powers, and duties as those conferred, under the law to deputy sheriffs; and to further provide when this Act shall become effective.

Was taken up. Mr. Calhoun offered the following amendment to the bill, S. 43:

CALHOUN AMENDMENT TO S. 43

Amend Senate Bill 43 by substituting the figures 45000 wherever the figures 50000 appear therein.

And the amendment was adopted.

Yeas, 75; Nays, 3.

Yeas:

Messrs.:

Mr. Speaker	Connor	Harrison	Lee (Monroe)
Adams	Delony	Hendley	Livingston
Arnold	Dominick	Henson	Long
Austin	Douglass	Hill	Lusk
Bateman	Glover	Hollis	Matthews
Boswell	Goodwyn	Johnston	Merrill
Bridges	Haley	Jones	Miles
Buffington	Hall	Kelly	Miller
Byars	Hamner	Kirby	Moore
Calhoun	Hare	Langdon	McGowin

Norman (Bullock)	Quarles	Shipman	Tidmore
Norman (Lowndes)	Rayburn	Sightler	Todd
Owen (Etowah)	Reeder	Sparks (Barbour)	Tolbert
Owens (Madison)	Reid	Sparks (Walker)	Toomer
Parish (Henry)	Reynolds	Spence	Waldrep
Parish (Pike)	Robertson (Cullman)	Staples	Welch
Petrey	Robinson (Lowndes)	Steele	Williams
Poole	Sanderson	Street	Wright
Propst	Shaver	Terry	

—75

Nays: Messrs. Castleberry, Cook, Posey (Walker)

— 3

And the bill:

S. 43. To provide that in all counties in this State having a population of Fifty Thousand or more according to the last or any subsequent Federal Census, the work of the probation of convicts shall be a County purpose; that the Board of Revenue, County Commission or other governing or like governing bodies of such counties shall be authorized to expend County funds for such purpose; to provide that such governing bodies in all such counties shall have the power to appoint probation officers and to fix their compensation and to pay the same out of County funds; to provide regulations for arrest and detention of offenders by Probation Officers; to confer upon Probation Officers the same rights, powers, and duties as those conferred, under the law to deputy sheriffs; and to further provide when this Act shall become effective.

As amended, was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 75; Nays, 3.

Yeas:

Messrs.:

Mr. Speaker	Hare	Moore	Shaver
Adams	Harrison	McGowin	Shipman
Arnold	Hendley	Norman (Bullock)	Sightler
Austin	Henson	Norman (Lowndes)	Sparks (Barbour)
Bateman	Hill	Owen (Etowah)	Sparks (Walker)
Boswell	Hollis	Owens (Madison)	Spence
Bridges	Johnston	Parish (Henry)	Staples
Buffington	Jones	Parish (Pike)	Steele
Byars	Kelly	Petrey	Street
Calhoun	Kirby	Poole	Terry
Connor	Langdon	Propst	Tidmore
Delony	Lee (Monroe)	Quarles	Todd
Dominick	Livingston	Rayburn	Tolbert
Douglass	Long	Reeder	Toomer
Glover	Lusk	Reid	Waldrep
Goodwyn	Matthews	Reynolds	Welch
Haley	Merrill	Robertson (Cullman)	Williams
Hall	Miles	Robinson (Lowndes)	Wright
Hamner	Miller	Sanderson	

—75

Nays: Messrs. Castleberry, Cook, Posey (Walker)

— 3

BILL INDEFINITELY POSTPONED

S. 169. To regulate the use of proceeds of State gasoline taxes by counties, to fix penalties for violation of this Act, and to repeal all laws in conflict herewith.

Was taken up. Mr. Moore moved to indefinitely postpone the bill, S. 169, and the motion was adopted. Mr. Moore moved to reconsider the vote by which the bill was indefinitely postponed and then moved to table the motion to reconsider and the motion to table the motion to reconsider was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in the resolution:

H. J. R. 91. Relieving the Doorkeeper of the Senate and the Doorkeeper of the House and the Secretary of State of all liability for the Codes of 1923 and the Acts of 1935 and 1936 furnished the members of the House and Senate for their use.

Also:

H. J. R. 92. That Senate bill 74 be known as the Simpson-Todd Bill.

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in the House amendment to the bill:

S. 43. To provide that in all counties in this State having a population of 45,000 or more according to the last or any subsequent Federal Census, the work of the probation of convicts shall be a County purpose; that the Board of Revenue, County Commission or other governing or like governing bodies of such counties shall be authorized to expend County funds for such purpose; to provide that such governing bodies in all such counties shall have the power to appoint probation officers and to fix their compensation and to pay the same out of County funds; to provide regulations for arrest and detention of offenders by Probation Officers; to confer upon Probation Officers the same rights, powers,

and duties as those conferred, under the law to deputy sheriffs; and to further provide when this Act shall become effective.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 431. To fix the compensation or salaries to be paid the tax assessors in all counties in this State which now have or which may hereafter have a population of seventy-five thousand people and less than one hundred thousand people according to the last Federal Census or any such census which may hereafter be taken, where such officers are constitutionally paid upon a salary basis, and to regulate the payment of same, to provide for the selection of clerical help and other assistance to said officers and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such officers; and to require all of said officers to pay into the county treasury of said counties all costs, charges of courts, fees and commissions authorized by law to be collected by said officers as other monies belonging to said counties are paid, except any salary, fees or commissions paid said officers for collecting taxes for any municipality.

Also:

H. 382. To authorize and empower the Court of Commissioners of Pike County in the State of Alabama, for the relief of Hattaway Lumber Company of Brundidge in said County, to pay to said company the sum of \$212.00) Two Hundred Twelve & No/100 Dollars, to compensate for the damage to a truck injured on the Highway of said county by an employee of the county engaged in highway work for said county.

Also:

H. 389. To abolish the fine and for forfeiture fund of Lowndes County, Alabama; to provide for the payment into the General Fund of said county, all of the moneys which under existing laws, or laws hereinafter enacted, are payable into said fine and forfeiture fund; to provide that witnesses summoned on behalf of the State and all other claims which are payable out of the fine and forfeiture fund of Lowndes County shall, in the future, be paid out of the General Fund of said County; to fix the priorities of said claims; to provide for the registration of the same; to

regulate the payment of the same; and to validate all witness certificates and claims now outstanding against the fine and forfeiture fund.

Also:

H. 423. To require the County Governing Body of Marion County, Alabama, to allow and order paid the cost of publication of notice of intention to apply for local legislation pertaining to or applicable to said county.

Also:

H. 106. To regulate the business of buying livestock for resale or slaughter, the business of slaughtering livestock, and the business of transporting, hauling or driving of such livestock along the public highways of Alabama for resale or slaughter; to define such dealers, slaughterers and transporters in and of such livestock; to provide for licensing such dealers or the conduct of such businesses; to protect owners or lienholders against theft or wrongful sale or removal of such livestock; to authorize the Commissioner of Agriculture and Industries with the approval of the State Board of Agriculture to prescribe reasonable rules and regulations for the conduct of such business or businesses; to provide for registering the brands or marks of livestock, to fix the duties of the Commissioner of Agriculture and Industries, and to provide penalties for the violation of this Act.

Also:

H. 314. To authorize the governing bodies of the counties in this State to fund or refund indebtedness of such counties outstanding on October 1, 1935, by the issuance of funding or refunding warrants; to provide the time within which such funding or refunding warrants shall mature and the maximum rate of interest thereon; and to provide that such interest shall be payable semi-annually and may be evidenced by coupons. This Act shall not apply to Counties now or hereafter having a population of 90,000 or more according to the last or any succeeding Federal Census.

Also:

H. 355. To amend Section 213 of the Code of Alabama of 1923.

J. E. Speight,
Secretary.

REPORT OF COMMITTEE OF CONFERENCE

To The Senate and House of Representatives:

We, your Committee on Conference, appointed on the part of the House and Senate to consider House Bill No. 136, having been amended in the Senate of which amendment the House non-concurred in, we do hereby report and recommend the following amendment:

That Section 1 be amended so as to read as follows: Section 1. That Section 5 of an Act entitled "An Act to adopt for the State of Alabama the provision of the Wagner-Peyser Act; to designate the State Department of Labor, when created, as the agency of the State for the purpose of such Act, and to make an appropriation therefor", be and the same is hereby amended so as to read as follows: Section 5. That the sum of \$20,000.00, or so much thereof as may be necessary, is hereby appropriated annually out of any monies in the General Treasury, not otherwise appropriated, for the carrying out of the purposes of this Act. Said appropriation to be payable only on approval and order of the Governor.

WILL O. WALTON,
J. A. SIMPSON,
HAYSE TUCKER,
Committee from the Senate.
W. S. WELCH,
M. D. DENSON,
W. C. TAYLOR,

Committee from the House of Representatives

CONFERENCE REPORT

On motion of Mr. Welch the House concurred in and adopted the report of the Committee of Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 136. To amend Section 5 of an Act approved September 11, 1935, entitled "An act to adopt for the State of Alabama the provisions of the Wagner-Peyser Act; to designate the State Department of Labor, when created, as the agency of the State for the purposes of such Act, and to make an appropriation therefor."

Yeas, 64; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Denson	Johnston	Norman (Bullock)
Adams	De Vane	Jones	Owen (Etowah)
Arnold	Dominick	Kelly	Parish (Henry)
Bateman	Douglass	Kirby	Parish (Pike)
Boswell	Glover	Langdon	Petrey
Braswell	Goodwyn	Lee (Bullock)	Posey (Walker)
Bridges	Goolsby	Lee (Monroe)	Propst
Britton	Hall	Livingston	Rayburn
Bulger	Hare	Long	Reid
Calhoun	Harrison	Merrill	Robertson (Cullman)
Carter	Heflin	Miles	Robinson (Lowndes)
Davis	Henson	Miller	Sanderson
Delony	Hollis	Moore	Sanford

Shaver	Sparks (Barbour)	Tidmore	Toomer
Shipman	Spence	Todd	Waldrep
Sightler	Street	Tolbert	Welch

—64

And the bill, H. 136, as thus amended by the report of the Committee of Conference, was again read a third time at length and passed by a two-thirds majority of the House.

Yeas, 64; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Douglass	Lee (Monroe)	Robertson (Cullman)
Adams	Glover	Livingston	Robinson (Lowndes)
Arnold	Goodwyn	Long	Sanderson
Bateman	Goolsby	Merrill	Sanford
Boswell	Hall	Miles	Shaver
Braswell	Hare	Miller	Shipman
Bridges	Harrison	Moore	Sightler
Britton	Heflin	Norman (Bullock)	Sparks (Barbour)
Bulger	Henson	Owen (Etowah)	Spence
Calhoun	Hollis	Parish (Henry)	Street
Carter	Johnston	Parish (Pike)	Tidmore
Davis	Jones	Petrey	Todd
Delony	Kelly	Posey (Walker)	Tolbert
Denson	Kirby	Propst	Toomer
De Vane	Langdon	Rayburn	Waldrep
Dominick	Lee (Bullock)	Reid	Welch

—64

BILL ON THIRD READING

S. 155. To amend an Act to establish a more humane system for caring for the needy aged in the State of Alabama and the several counties thereof by providing for old age pensions; to define the persons entitled thereto, and to provide for the ascertainment and determination of the qualifications of applicants therefor; to further provide for and regulate the payment of pensions under Article 1 of Chapter 55 of the Code of Alabama of 1923, as amended; to provide for the payment thereof; to make an appropriation for the same; to provide for a lien on the property of certain recipients of old age pensions and to provide for the enforcement thereof, to provide for the administration of such system and to define offenses against this Act and to fix punishment for such offenses; and to provide for cooperation with the Government of the United States and its agencies in caring for the needy aged; and to repeal all laws in conflict herewith.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 73; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker

Arnold

Austin

Bateman

Boswell

Braswell

Bridges

Britton

Bu'ger

Castleberry

Chichester

Connor

Cook

Davis

Delony

Denson

De Vane

Dominick

Douglass

Glover

Goodwyn

Goolsby

Haley

Hare

Harrison

Heflin

Henson

Hollis

Johnston

Jones

Kelly

Kirby

Langdon

Lee (Monroe)

Long

Lusk

Merrill

Miller

Moore

McDermott

McPhaul

Norman (Bullock)

Norman (Lowndes)

Owen (Etowah)

Parish (Henry)

Parish (Pike)

Petrey

Posey (Walker)

Propst

Quarles

Rayburn

Reeder

Reid

Robertson (Cullman)

Robinson (Lowndes)

Sanderson

Sanford

Shaver

Shipman

Sightler

Sparks (Barbour)

Sparks (Walker)

Spence

Staples

Street

Terry

Tidmore

Todd

Tolbert

Toomer

Waldrep

Welch

Wright

—73

RESOLUTIONS

Mr. Tolbert offered the following resolution:

By Mr. Tolbert:

H. J. R. 93. Be it resolved by the House, the Senate concurring, that every oyster removed from the waters of Alabama shall be plainly marked to show the county of its origin so that members of the Legislature may exercise their personal prerogatives as to the consumption of such oysters.

Be it further resolved, that failure to so mark such oysters shall relieve any member of the Legislature from responsibility for any pledge or oath he may have taken against the products of any particular county.

The resolution was referred to the Standing Committee on Game, Fish and Fisheries.

Mr. Todd offered the following resolution:

By Mr. Todd:

H. J. R. 94. Be it resolved by the House of Representatives, the Senate concurring, that Senate Bill No. 155 by Mr. Simpson be known and designated as the Simpson-Arnold Bill.

On motion of Mr. Todd the rules were suspended and the resolution, H. J. R. 94, was adopted.

BILL ON THIRD READING

S. 170. To provide for service of notice by tax collector on resident taxpayers when personal service or service by registered mail cannot be perfected as now provided by law.

Was read a third time at length and passed by a two-thirds majority of the House.

Yeas, 73; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Glover	Miller	Sanderson
Arnold	Goodwyn	Moore	Sanford
Austin	Goolsby	McDermott	Shaver
Bateman	Haley	McPhaul	Shipman
Boswell	Hare	Norman (Bullock)	Sightler
Braswell	Harrison	Norman (Lowndes)	Sparks (Barbour)
Bridges	Heflin	Owen (Etowah)	Sparks (Walker)
Britton	Henson	Parish (Henry)	Spence
Bulger	Hollis	Parish (Pike)	Staples
Castleberry	Johnston	Petrey	Street
Chichester	Jones	Posey (Walker)	Terry
Connor	Kelly	Propst	Tidmore
Cook	Kirby	Quarles	Todd
Davis	Langdon	Rayburn	Tolbert
Delony	Lee (Monroe)	Reeder	Toomer
Denson	Long	Reid	Waldrep
De Vane	Lusk	Robertson (Cullman)	Welch
Dominick	Merrill	Robinson (Lowndes)	Wright
Douglass			

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BILLS INDEFINITELY POSTPONED

On motion of Mr. Dominick all bills remaining on the House Calendar were indefinitely postponed.

RECESS

On motion of Mr. Poole the House recessed until 4 o'clock P. M.

TWENTY-FIFTH DAY—AFTERNOON SESSION

The hour of 4 o'clock P. M. having arrived the House reconvened.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 125. To amend Section 51, of an Act approved August 23, 1927, entitled: An Act To provide a general system of legislation pertaining to public roads, highways and bridges, including therein

the establishment of a State Highway Department and State Highway Commission; to create the office of Alabama Highway Director in Alabama; to define and regulate the powers, duties and authority of the State Highway Commission and of local authorities, boards of revenue, courts of county Commissioners, municipalities or like governing bodies; to provide authority and empower the Board of Administration to make agreements and contracts with the State Highway Commission for convict labor and let contracts for signs, advertising, etc., on highways; to define and provide rules of the road, including traffic regulations, penal violations, duties of owners and drivers and the regulation as to size, weight and equipment of motor vehicles moving over, along, or upon such roads; to provide for the establishment, discontinuance, working and maintenance of public roads, bridges and ferries; to provide for the establishment and maintenance of private roads; to provide for State Bonds for construction and maintenance of roads, issue and sale of; Good Roads Day established; Offenses concerning toll bridges and turn-pikes and causeways; protecting bridges from floating logs and to provide against injury to mill dams, bridges, canals and road gates; to provide for working of public roads, persons liable and persons exempt from road duty; to provide for railroad tracks, bridges, viaducts and tunnels; and the repeal of all laws and parts of laws in conflict with the provisions of this Act, except such laws pertaining to revenue.

Also:

H. 360. "To provide for the conversion or exchange of coupon bonds into registered bonds of the same series, denominations and maturities and for the conversion or exchange of registered bonds into coupon bonds of the same series, denominations and maturities so that coupon bonds and registered bonds of the same series, denominations and maturities shall be interchangeable, at the option of the holder thereof, of all bonds of the State of Alabama of every kind and character heretofore issued which constitute a direct obligation of the State of Alabama and for the payment of which the full faith and credit of the State of Alabama is pledged; to provide for such conversions or exchanges; to fix the duties of the Governor and State Treasurer relative thereto; to fix the fees to be paid for such conversions or exchanges; to provide for the period during which no such conversions shall be made; to provide for an additional clerk for the State Treasurer; and to provide for the repeal of all laws and parts of laws, general, special, local and private, in conflict with the provisions of this Act."

Also:

H. 68. To provide for and authorize the dismissal in and by the Circuit Court, of appeals to the Circuit Court from judgments

of conviction rendered in any court subordinate or inferior to or lower than the Circuit Court, and to define and fix the effects and consequences of such dismissals.

Also:

H. 337. To Amend Section No. 8282 of the Code of Alabama of 1923, so as to read as follows:

Also:

H. 336. To Amend Section No. 8281 of the Code of Alabama of 1923, so as to read as follows:

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in the resolution:

H. J. R. 94. That Senate bill 155 be known and designated as the Simpson-Arnold bill.

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee of Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 136. To amend Section 5 of an Act approved September 11, 1935, entitled "An act to adopt for the State of Alabama the provisions of the Wagner-Peyser Act; to designate the State Department of Labor, when created, as the agency of the State for the purposes of such Act, and to make an appropriation therefor."

And said bill, as thus amended by the Report of the Committee of Conference, was again read a third time at length and passed by the Senate.

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown, and, as amended, has passed the following House bills and returns same herewith to the House:

H. 100. To amend Section 9709 of the Code of Alabama of 1923 relating to transportation companies as defined therein.

Also:

H. 147. To amend Schedule 135 of Article XIII Chapter 1 License Schedule of an Act to provide for the General Revenue of the State of Alabama approved July 10, 1935.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Rayburn the House concurred in and adopted the Senate amendment to the bill, H. 100, said Senate amendment being as follows:

Amend H. B. 100 by adding Section 10 at the end thereof, reading as follows:

(10) Provided nothing in this Act shall apply to the regulation of commerce on navigable streams or rivers, whether the said streams or rivers contain locks and dams or not.

Yeas, 58; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Glover	Moore	Sightler
Adams	Goodwyn	McGowin	Sparks (Barbour)
Austin	Hamner	Norman (Bullock)	Spence
Bateman	Harrison	Norman (Lowndes)	Steele
Buffington	Heflin	Parish (Pike)	Street
Bulger	Hendley	Quarles	Taylor
Byars	Hill	Rayburn	Todd
Calhoun	Hollis	Reeder	Tolbert
Castleberry	Kirby	Reynolds	Tompkins
Chichester	Langdon	Robertson (Cullman)	Toomer
Davis	Long	Robinson (Lowndes)	Waldrep
Delony	Lusk	Sanderson	Welch
Denson	Matthews	Sanford	Whigham
Dominick	Merrill	Shaver	Wright
Douglass	Miller		

—58

On motion of Mr. Kirby the House concurred in and adopted the Senate amendment to the bill, H. 147, said Senate amendment being as follows:

Substitute for H. 147:

A BILL

To be entitled an Act to amend Schedule 135 of Article XIII, Chapter 1, License Schedule of an Act to provide for the General Revenue of the State of Alabama approved July 10, 1935.

Be it enacted by the Legislature of Alabama:

Section 1. Amend Schedule 135 to read as follows:

That for each machine, device and/or table, which is operated or played by depositing a coin or slung in a slot, and on which music is played, and/or on which games of skill are played, and/or on which balls drop in holes or sockets, and/or on which a person is weighed, shall pay the following license: Machine having a penny-in-the-slot device used for weighing five dollars (\$5.00); all other penny-in-the-slot machines, ten dollars (\$10.00); machine having a nickel-in-the-slot device, fifty dollars (\$50.00). Machine having a device in which a coin of a larger denomination than a nickel is required or may be used to operate the machine, One Hundred Dollars (\$100.00). Provided this shall not apply to slot devices on lock on doors, motors, electric fans, telephones, postage stamps vending machines, drinking cup, electricity or gas vending machines or meters. The license herein required shall be for the operation of the particular machine for which issued and shall be attached to or securely posted in a conspicuous place on such machine. A licensed machine may be transferred to any other place in the same county. Provided such transfer of location is filed with the Probate Judge and posted by him on his license stub. If any machine is found in or at any place of business which has not been licensed, the owner, proprietor or operator of such establishment, store, or place of business in which said machine is located shall be liable for said license. Provided that none of the provisions herein shall be taken or construed as legalizing the operation of such machines, devices or tables.

Yeas, 46; Nays, 8.

Yeas:

Messrs.:

Adams	Hall	Miller	Shaver
Austin	Hare	McGowin	Sightler
Bulger	Harrison	Norman (Bullock)	Spence
Byars	Heflin	Norman (Lowndes)	Staples
Calhoun	Hill	Parish (Henry)	Steele
Davis	Hollis	Parish (Pike)	Street
Delony	Kirby	Rayburn	Taylor
Denson	Langdon	Reeder	Tolbert
Dominick	Long	Reid	Tompkins
Douglass	Lusk	Sanderson	Toomer
Glover	Merrill	Sanford	Welch
Goodwyn	Miles		

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Nays:

Messrs.:

Mr. Speaker	Connor	Moore	Todd
Castleberry	Hanks	McDermott	Waldrep

— 8

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 64. To provide for the appointment by Circuit Judges of Court Bailiffs in all Circuits composed of more than one County and having two Circuit Judges and to provide for the compensation of such bailiffs.

Also:

S. 84. To authorize the employment in their discretion by municipalities in Alabama having a population of not less than twenty-five hundred and not more than fifteen thousand, according to the last or any succeeding Federal census, of a City Manager; and to provide for the authority, duties, liabilities and penalties, the term of office and the compensation of City Managers so employed.

Also:

S. 89. To amend Sections 5 and 12 of an Act approved September 14, 1935, entitled "An Act to authorize, provide for, and regulate non-profit corporations for the establishment, maintenance and furnishing of a plan of hospitalization and hospital service."

Also:

S. 134. To amend Section 793, of the Code of Alabama, 1923.

Also:

S. 135. To amend Section 798, of the Code of Alabama, 1923.

Also:

S. 151. To specify what stated purposes shall control in the expenditure of the proceeds of certain special three-mill district school taxes or special three mill county school taxes where the petition for the tax election, the order of the county governing body calling the election, the notice of the election, or the official ballot provided vary in the statement of the purposes to which the proceeds of such tax shall be devoted; to provide that such variance shall not invalidate any such election or the levy and collection of taxes voted; to provide for the curing of such variances; and to provide further what constitutes submission of purposes to which the proceeds of such tax shall be devoted within the provisions of the Special School Tax Amendment to the State Constitution.

Also:

S. 179. To authorize and empower the Court of County Commissioners of Henry County to expend an amount not to exceed

one-third of the total amount that may be received from the levy and collection of the tax on gasoline under and by virtue of the House Bill 324, of the regular session of the Legislature of 1935, approved by the Governor July 10, 1935, in payment of any debts heretofore created in the construction, repair or maintenance of the roads and bridges of the County including bonded indebtedness.

Also:

S. 136. To amend Section 10342 of the Code of Alabama, 1923.
J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown, and, as amended, has passed the following House bill and returns same herewith to the House :

H. 156. To authorize cities, towns and counties of Alabama to acquire sites for, and to acquire, establish and maintain Public Museums and Art Galleries, and to authorize the Administration thereof by instrumentalities selected by the governing bodies of such cities, towns and counties.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Welch the House concurred in and adopted the Senate amendment to the bill, H. 156, said Senate amendment being as follows:

Substitute to H. 156.

A BILL

To be entitled an Act to authorize cities, towns, and counties of Alabama, having a population of 90,000 or over, to acquire sites for, and to acquire, establish and maintain Public Museums and Art Galleries, and to authorize the Administration thereof by instrumentalities selected by the governing bodies of such cities, towns and counties.

Be it enacted by the Legislature of Alabama:

Section 1. That each city, town and county in Alabama, having a population of 90,000 or over, shall have the power to acquire sites for, and to construct or otherwise acquire and to establish and maintain, public museums and public art galleries and each such city, town and county shall have authority to exercise the afore-said powers to the end of rendering available public museums and public art galleries separate, the one from the other, or grouped two or more in the same building or as parts of the same institution.

Section 2. That whenever any public museum or public art gallery, or any group of two or more in combination has been established by any such city, town or county, the institution or enterprise so established may be administered by and through such instrumentality or instrumentalities as the governing body of such city, town or county may determine upon, and as may not involve transgression or the constitution of Alabama.

Section 3. This Act shall be construed as granting authority in cumulation of authority granted by existing statutes.

Section 4. This Act shall become effective upon the signature of the Governor.

Yeas, 62; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Douglass	Merrill	Reid
Adams	Glover	Miles	Robertson (Cullman)
Austin	Goodwyn	Miller	Sanderson
Bateman	Haley	Moore	Sanford
Boswell	Hall	McDermott	Shaver
Braswell	Hamner	McGowin	Sightler
Bridges	Hare	Norman (Bullock)	Spence
Bulger	Heflin	Norman (Lowndes)	Steele
Byars	Hollis	Owen (Etowah)	Taylor
Calhoun	Kelly	Parish (Henry)	Todd
Chichester	Kirby	Parish (Pike)	Tolbert
Connor	Langdon	Petrey	Tompkins
Davis	Livingston	Poole	Toomer
Delony	Long	Propst	Waldrep
Denson	Lusk	Reeder	Welch
Dominick	Matthews		

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REPORT OF STANDING COMMITTEE ON ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Enrolled Bills reports that it has examined the following House bills and House joint resolution, and finds same correctly enrolled, to-wit:

H. J. R. 91. Relative to relieving the doorkeepers and Secretary of State of liability for Codes of 1923 and Acts of 1935 and 1936.

Also:

H. 355. To amend Section 213 of the Code of Alabama of 1923.

Also:

H. 423. To require the County Governing Body of Marion County, Alabama, to allow and order paid the cost of publication of notice of intention to apply for local legislation pertaining to or applicable to said county.

Also:

H. 382. To authorize and empower the Court of Commissioners of Pike County in the State of Alabama, for the relief of Hattaway Lumber Company of Brundidge in said County, to pay to said company the sum of (\$212.00) Two Hundred Twelve & No/100 Dollars, to compensate for the damage to a truck injured on the Highway of said county by an employee of the county engaged in highway work in said county.

Also:

H. 314. To authorize the governing bodies of the counties in this State to fund or refund indebtedness of such counties outstanding on October 1, 1935, by the issuance of funding or refunding warrants; to provide the time within which such funding or refunding warrants shall mature and the maximum rate of interest thereon; and to provide that such interest shall be payable semi-annually and may be evidenced by coupons. This Act shall not apply to Counties now or hereafter having a population of 90,000 or more according to the last or any succeeding Federal Census.

Also:

H. 431. To fix the compensation or salaries to be paid the tax collectors and tax assessors in all counties in this State which now have or which may hereafter have a population of seventy-five thousand people and less than one hundred thousand people according to the last Federal Census or any such census which may hereafter be taken, where such officers are constitutionally paid upon a salary basis, and to regulate the payment of same, to provide for the selection of clerical help and other assistance to said officers and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such officers; and to require all of said officers to pay into the county treasury of said counties all costs, charges of courts, fees and commissions authorized by law to be collected by said officers as other monies belonging to said counties are paid, except any salary, fees or commissions paid said officers for collecting taxes for any municipality.

T. H. Street,
Vice-Chairman.

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

MESSAGE FROM THE SENATE

Mr. Speaker :

Under the provisions of the joint resolution :

S. J. R. 16. Creating a Commission on Interstate Cooperation to be composed of fifteen members, five members of the Senate, five members of the House and five officials of the State Government named by the Governor, one of whom shall be designated by him as Chairman of the Committee.

The President and Presiding Officer of the Senate has appointed as a Committee on part of the Senate Messrs. Walton, Simpson, Tucker and Woodall, the Lieutenant-Governor being a member ex-officio.

J. E. Speight,
Secretary.

REPORT OF COMMITTEE OF CONFERENCE

To

The President of the Senate

The Speaker of the House.

The Committee of Conference appointed to consider the disagreement of the two Houses on House Bill No. 109 respectfully submit the following report:

1. We recommend that the Senate recede from its amendment;
2. We recommend that the following section be added to House Bill No. 109:

Section 13½: When the manuscript of the code including the index, annotations and prefixes shall have been prepared and submitted to, and shall receive the approval of the Supreme Court, the Supreme Court at its discretion may permit the printing, publication and sale thereof.

The Governor of the State of Alabama is hereby authorized and empowered to purchase not exceeding 7,000 complete sets thereof for distribution among, and use by the various officers and departments of the State of Alabama, including the Supreme Court Library and University of Alabama, and sale in the event any publishing house shall publish and print said manuscript in book form.

3. That House Bill No. 109 as originally passed by the House and transmitted to the Senate with the amendment by the addition of Section 13½ as above set out, be passed as thus amended.

W. O. WALTON,

J. R. KELLY,

W. C. WOODALL,

Conferees on the part of the Senate.

W. S. WELCH,

CHAUNCEY SPARKS,

JOHN A. LUSK, JR.,

Conferees on the part of the House.

CONFERENCE REPORT

On motion of Mr. Welch the House concurred in and adopted the report of the Committee of Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 109. To provide for the revision, codification, digesting and promulgation of the public statutes of this State.

Yeas, 62; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Douglass	Merrill	Reid
Adams	Glover	Miles	Robertson (Cullman)
Austin	Goodwyn	Miller	Sanderson
Bateman	Haley	Moore	Sanford
Boswell	Hall	McDermott	Shaver
Braswell	Hamner	McGowin	Sightler
Bridges	Hare	Norman (Bullock)	Spence
Bulger	Heflin	Norman (Lowndes)	Steele
Byars	Hollis	Owen (Etowah)	Taylor
Calhoun	Kelly	Parish (Henry)	Todd
Chichester	Kirby	Parish (Pike)	Tolbert
Connor	Langdon	Petrey	Tompkins
Davis	Livingston	Poole	Toomer
Delony	Long	Propst	Waldrep
Denson	Lusk	Reeder	Welch
Dominick	Matthews		

—62

And the bill, H. 109, as thus amended by the report of the Committee of Conference, was again read a third time at length and passed by a two-thirds majority of the House.

Yeas, 62; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Bulger	Denson	Hamner
Adams	Byars	Dominick	Hare
Austin	Calhoun	Douglass	Heflin
Bateman	Chichester	Glover	Hollis
Boswell	Connor	Goodwyn	Kelly
Braswell	Davis	Haley	Kirby
Bridges	Delony	Hall	Langdon

Livingston	McGowin	Reeder	Steele
Long	Norman (Bullock)	Reid	Taylor
Lusk	Norman (Lowndes)	Robertson (Cullman)	Todd
Matthews	Owen (Etowah)	Sanderson	Tolbert
Merrill	Parish (Henry)	Sanford	Tompkins
Miles	Parish (Pike)	Shaver	Toomer
Miller	Petrey	Sightler	Waldrep
Moore	Poole	Spence	Welch
McDermott	Propst		

RESOLUTION

Mr. Waldrep offered the following resolution:

By Mr. Waldrep:

H. R. 95. WHEREAS, The Senate of Alabama has adopted and sent to the Governor a Resolution calling upon him to investigate the liquor traffic and to take action against sheriffs who have been delinquent in the enforcement of the prohibition laws of the State, and WHEREAS, the Legislature of Alabama through its failure to enact legislation permitting repeal of the laws, has thus given tacit approval of these laws.

THEREFORE BE IT RESOLVED that the governor of Alabama is most solemnly urged by the House of Representatives to use all the resources at his command as chief law enforcement officer to carry out the letter and spirit of the prohibition laws of the State.

Mr. Waldrep moved the suspension of the rules for the immediate consideration of the resolution and the motion was lost. The resolution was referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 43. To provide that in all counties of this State having a population of 45,000 or more according to the last or any subsequent Federal Census, the work of the probation of convicts shall be a County purpose; that the Board of Revenue, County Commission or other governing or like governing bodies of such counties shall be authorized to expend County funds for such purpose; to provide that such governing bodies in all such counties shall have the power to appoint probation officers and to fix their compensation and to pay the same out of County funds; to provide regulations for arrest and detention of offenders by Probation Officers; to confer upon Probation Officers the same rights,

powers, and duties as those conferred, under the laws to deputy sheriffs; and to further provide when this Act shall become effective.

Also:

S. 117. To provide for a more economical, convenient and uniform system of assessing and collecting taxes on real estate including the enforcement of tax liens in all Counties having a population of one hundred ten thousand or more, according to the last or any succeeding Federal Census.

Also:

S. 139. To amend Schedule 158.15 of Article 13 Chapter 6 of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Also:

S. 155. To amend an Act to establish a more humane system for caring for the needy aged in the State of Alabama and the several counties thereof by providing for old age pensions; to define the persons entitled thereto, and to provide for the ascertainment and determination of the qualifications of applicants therefor; to further provide for and regulate the payment of pensions under Article I of Chapter 55 of the Code of Alabama of 1923, as amended; to provide for the payment thereof; to make an appropriation for the same; to provide for a lien on the property of certain recipients of old age pensions and to provide for the enforcement thereof, to provide for the administration of such system and to define offenses against this Act and to fix punishment for such offenses; and to provide for cooperation with the Government of the United States and its agencies in caring for the needy aged; and to repeal all laws in conflict herewith.

Also:

S. 158. To amend Section 1153 of the Code of Alabama of 1923, relating to public health.

Also:

S. 170. To provide for service of notice by tax collector on resident taxpayers when personal service or service by registered mail cannot be perfected as now provided by law.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds

vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing Message from the Senate.

RESOLUTION

Mr. Connor offered the following resolution:

By Mr. Connor:

H. R. 96. Whereas, large gambling houses are operating wide open, particularly in Montgomery, Shelby and St. Clair counties, taking thousands of dollars out of Birmingham, and, we must presume, with the Governor's knowledge;

Therefore, be it resolved, that the Governor is also called upon to enforce the state laws against gambling.

The resolution was referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown, and, as amended, has passed the following house bill and returns same herewith to the House:

H. 11. A Bill to be entitled An Act to propose an amendment to the Constitution of Alabama to be known and designated as Article XXIV thereof, to provide that it shall be unlawful for the Comptroller of the State of Alabama to draw any warrant or other order for the payment of money belonging to or administered by the State of Alabama upon the State Treasurer unless and until it shall have been certified to such Comptroller by such treasurer in writing that there is then in the hands of such treasurer money available and appropriated for the full payment of the same, and to provide that all appropriations now or hereafter made shall be either absolute or conditional, and to define absolute appropriations and conditional appropriations, and to provide which appropriations shall be absolute and which appropriations shall be conditional, and to provide that all unpaid conditional appropriations which exceed the amount of money in the State Treasury at the end of each fiscal year available for their payment, shall become null and void to the extent of such excess, and to prohibit any discrimination in the payment of conditional appropriations, and to order an election for the qualified electors of the State of Alabama upon such proposed Article XXIV to be held on the first Tuesday after the first Monday in November, 1936.

Be it enacted by the Legislature of Alabama:

Section 1. That an amendment to the Constitution of the State of Alabama to be known and designated as Article XXIV is hereby proposed, the proposed amendment being as follows:

ARTICLE XXIV. Public education is hereby declared to be an essential and primary function of government of this State. It shall be unlawful for the Comptroller or like officer of the State of Alabama to draw any warrant or other order for the payment of money belonging to or administered by the State of Alabama upon the State Treasurer unless and until it shall have been certified to such Comptroller or like officer by such Treasurer that there is then in the hands of such Treasurer money available and appropriated for the full payment of the same. All appropriations now or hereafter made shall be either (a) Absolute, or (b) Conditional.

(a) The following shall be absolute appropriations, shall have preference over conditional appropriations, and to the limit of the money in the hands of the Treasurer available therefor, shall be payable in full in the order named:

1. Appropriations for payment of interest or principal or sinking fund on the public debt or on trust funds covered into the State Treasury.

2. Per capita appropriations to eleemosynary and correctional institutions and the care and maintenance of convicts.

3. Appropriations to make effective any constitutional provision setting apart any certain tax, excise, income or charge for a designated use or purpose, not including appropriations to be paid from the State's General Fund.

(b) All other appropriations shall be conditional appropriations and shall be payable in full only in the event that after providing for payment of the absolute appropriations there remains in the hands of the Treasurer money available for the full payment of all such conditional appropriations; and in case there is insufficient money available for such full payment, then the money available to the limit of the money in the hands of the Treasurer available therefor, shall be prorated without any discrimination, and each such conditional appropriation shall be payable in the proportion which the money available bears to the total of all such conditional appropriations. At the end of each fiscal year all unpaid conditional appropriations which exceed the amount of money in the State Treasury subject to the payment of the same, after such proration, shall thereupon become null and void to the extent of such excess.

Section 2. An election by the qualified electors of the State upon such proposed amendment is hereby ordered, and the day hereby appointed for such election is the first Tuesday after the first Monday in November, 1936. Notice of the election hereby

ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor which shall be published in one newspaper once a week in every county in the State for four successive weeks next preceding the day appointed for such election.

Section 3. At the election hereby ordered to be held the qualified electors shall vote on said proposed amendment; and on the official ballot printed for such election there shall be printed the following; viz: "Shall the following be adopted as Article XXIV of the Constitution of Alabama?" This shall be followed by setting out said proposed amendment verbatim and in extense, and thereupon there shall be placed on said ballot the words:

"Yes _____"

"No _____"

The choice of the elector shall be indicated by a cross mark made by him or under his direction expressing his desire.

Section 4. Officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State, and the election shall be held in all things in accordance with this Act, the law governing general elections, and the Constitutional provisions concerning amendments to the Constitution.

Section 5. To votes cast at such election shall be canvassed, tabulated and returns thereof made to the Secretary of State in the same manner as in elections of representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted at said election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

J. E. Speight,
Secretary.

SENATE MESSAGE

Mr. Harrison moved that the House non-concur in the Senate amendment to the bill, H. 11. and request a committee of Conference, said Senate amendment being as follows:

To amend H. B. 11, Article XXIV, Paragraph (a), Sec. (2)—By adding "And Alabama Institute for Deaf and Blind" at the end thereof.

Amend House Bill 11 by adding thereto the following: Add to Section 3 the following words:

"It is provided that nothing herein contained shall interfere with the distribution of State gasoline taxes to the counties and/or to the State Highway Department, or to motor vehicle license tag taxes, as now provided by law, nor change the present constitutional or statutory disposition of gasoline taxes, or motor vehicle tag taxes."

Amend Subdivision (a) of Section 1. of House Bill 11 by adding thereto a paragraph to be numbered 4 as follows:

"4. Appropriations for the judiciary of Alabama."

Mr. Lusk made the point of order that the bill, H. 11, had not legally passed the House or the Senate on the ground that the bill did not have three readings on three several days as required by the Constitution. The chair ruled that the point of order was not well taken.

And the motion of Mr. Harrison to non-concur in the Senate amendment to the bill, H. 11, and request a Committee of Conference was adopted.

Yeas, 55; Nays, 5.

Yeas:

Messrs.:

Mr. Speaker	Davis	Lee (Bullock)	Robertson (Cullman)
Adams	Delony	Matthews	Robinson (Lowndes)
Arnold	Denson	Merrill	Sanford
Austin	De Vane	Miller	Shaver
Bateman	Dominick	Moore	Sightler
Boswell	Douglass	McDermott	Sparks (Barbour)
Braswell	Haley	McPhaul	Steele
Buffington	Hall	Norman (Bullock)	Street
Bulger	Hanks	Owen (Etowah)	Todd
Byars	Harrison	Parish (Henry)	Tolbert
Calhoun	Heflin	Petrey	Toomer
Carter	Hendley	Quarles	Waldrep
Castleberry	Hill	Rayburn	Williams
Connor	Langdon	Reid	

—55

Nays:

Messrs.:

Kirby	Lusk	Taylor	Welch
Long			

— 5

The Speaker appointed as conferees on the part of the House Messrs. Harrison, Sparks (Barbour) and Kelly.

REPORT OF STANDING COMMITTEE ON ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Enrolled Bills reports that it has examined the following House bills, and finds same correctly enrolled, to-wit:

H. 106. To regulate the business of buying livestock for re-

sale or slaughter, the business of slaughtering livestock, and the business of transporting, hauling or driving of such livestock along the public highways of Alabama for resale or slaughter; to define such dealers, slaughterers and transporters in and of such livestock; to provide for licensing such dealers or the conduct of such business; to protect owners or lienholders against theft or wrongful sale or removal of such livestock; to authorize the Commissioner of Agriculture and Industries with the approval of the State Board of Agriculture to prescribe reasonable rules and regulations for the conduct of such business or businesses; to provide for registering the brands or marks of livestock; to fix the duties of the Commissioner of Agriculture and Industries, and to provide penalties for the violation of this Act.

Also:

H. 336. To amend Section 8281 of the Code of Alabama of 1923, so as to read as follows:

Also:

H. 68. To provide for and authorize the dismissal in and by the Circuit Court, of appeals to the Circuit Court from judgments of conviction rendered in any court subordinate or inferior to or lower than the Circuit Court, and to define and fix the effects and consequences of such dismissals.

Also:

H. 136. To amend Section 5 of an Act approved September 11, 1935, entitled "An Act to adopt for the State of Alabama the provisions of the Wagner-Peyser Act; to designate the State Department of Labor, when created, as the agency of the State for the purposes of such Act, and to make an appropriation therefor."

Also:

H. 337. To amend Section 8282 of the Code of Alabama of 1923, so as to read as follows:

Also:

H. 389. To abolish the fine and forfeiture fund of Lowndes County, Alabama; to provide for the payment into the General Fund of said county, all of the moneys which under existing laws, or laws hereafter enacted, are payable into said fine and forfeiture fund; to provide that witnesses summoned on behalf of the State and all other claims which are payable out of the fine and forfeiture fund of Lowndes County shall, in the future, be paid out of the General Fund of said County; to fix the priorities of said claims; to provide for the registration of the same; to regulate the payment of the same; and to validate all witness certificates and claims now outstanding against the fine and forfeiture fund.

C. D. Norman,
Vice-Chairman.

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has received the accompanying message from His Excellency, the Governor, with his objections and proposed amendment to the bill:

S. 103. To authorize the Board of Revenue, of Houston County, Alabama, to levy and collect a privilege tax on all persons, Corporations, Co-partnerships, Companies, Agencies, Associations and Refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naphtha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil", "fuel oil", or "crude oil", commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; to authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; to make provisions for the distribution of the funds derived from said privilege tax; to prohibit any incorporated city or town in said county from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels on a quantity basis; to repeal the municipal privilege, excise and/or license taxes on gasoline, Woco Pep, or any other motor fuel used by self-propelled vehicles which may now be collected or levied by any incorporated city or town in said County; To provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; To repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective.

Said Governor's message containing the proposed amendment being in the following words and figures, to-wit:

To the Senate of Alabama,
Montgomery, Alabama.
Gentlemen:

I am returning herewith to you, the body in which it originated, Senate Bill No. 103 without my approval.

I suggest the following Executive Amendments to said bill, which, if adopted, will cure my objections thereto:

1st. Amend Section 4 by adding just after the words "on a quantity basis" where they occur therein the following: "provided, however, this shall not apply to the ordinary license to do business in the municipalities".

2nd. Further amend the bill by amending Section 5 thereof so as to read as follows:

Section 5. That all such privilege tax to be levied or imposed under this act and the money derived therefrom shall be used exclusively for the purpose of constructing and maintaining public roads, streets, bridges and ferries in said County of Houston, but the money accruing hereunder to any incorporated city or municipality may be expended as may be directed by the constituted authorities of such incorporated city or municipality.

3rd. Further amend the bill by adding Section 7 thereof, as follows:

Section 7. If any parts, sections or clauses of this Act shall be held to be unconstitutional the same shall not affect any other part, clause or section of the Act not declared to be unconstitutional.

Respectfully,

BIBB GRAVES,
Governor.

APRIL 17, 1936.

And the Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to said bill by a vote of a majority of the whole number elected to the Senate; said vote being:

Yeas, 26; Nays, 0.

And said bill, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of the majority of the whole number elected to the Senate; said vote being: Yeas, 26; Nays, 0.

And said bill, together with the Governor's message containing the proposed amendment, is herewith sent to the House for its consideration.

J. E. Speight,
Secretary.

SENATE MESSAGE

The House proceeded to the reconsideration of the bill:

S. 103. To authorize the Board of Revenue of Houston County, Alabama, to levy and collect a privilege tax on all persons, corporations, co-partnerships, companies, agencies, associations and refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naphtha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil" "fuel" oil" or "crude oil" commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; to authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; to make provisions for the distribution of the funds derived from said privilege tax; to prohibit any

incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis; to repeal the municipal privilege, excise and or license taxes on gasoline, Woco Pep, or any other motor fuel, used by self propelled vehicles which may now be collected or levied by any incorporated city or town in said county; to provide for the use of money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; to repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective.

And the House concurred in and adopted the amendment proposed by His Excellency, the Governor, by a majority of the whole number elected to the House, said vote being:

Yeas, 66, Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Davis	Jones	Sanford
Adams	Delony	Kelly	Shaver
Arnold	Denson	Kirby	Sightler
Austin	De Vane	Long	Spence
Bateman	Dominick	Lusk	Staples
Blann	Doster	Merrill	Steele
Boswell	Douglass	Miles	Taylor
Braswell	Glover	Miller	Terry
Bridges	Goolsby	Moore	Todd
Britton	Haley	McGowin	Tolbert
Buffington	Hall	McPhaul	Toomer
Bulger	Hanks	Petrey	Wallace
Byars	Hare	Poole	Welch
Calhoun	Heflin	Propst	Whigham
Carter	Henson	Reeder	Williams
Connor	Hill	Reid	Wright
Cook	Hollis		

—66

And the bill, S. 103, as amended by the amendment proposed by His Excellency, the Governor, was again read a third time at length and passed by a majority of the whole number elected to the House, said vote being:

Yeas, 66; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Braswell	Carter	Dominick
Adams	Bridges	Connor	Doster
Arnold	Britton	Cook	Douglass
Austin	Buffington	Davis	Glover
Bateman	Bulger	Delony	Goolsby
Blann	Byars	Denson	Haley
Boswell	Calhoun	De Vane	Hall

Hanks	Lusk	Reeder	Terry
Hare	Merrill	Reid	Todd
Heflin	Miles	Sanford	Tolbert
Henson	Miller	Shaver	Toomer
Hill	Moore	Sightler	Wallace
Hollis	McGowin	Spence	Welch
Jones	McPhaul	Staples	Whigham
Kelly	Petrey	Steele	Williams
Kirby	Poole	Taylor	Wright
Long	Propst		

—66

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the report of the Committee of Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 125. To amend an Act approved September 14, 1935, entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefit; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system and for other purposes;" to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act. This Act being approved September 14, 1935.

Said Conference Report being in the following words and figures, to-wit:

To the Senate and the House of Representatives:

We, your Committee on Conference appointed to consider the difference between the House of Representatives and the Senate on Senate Bill 125, beg leave to report as follows:

We recommend that the Senate recede from its objections to the House Amendment, and concur in the same.

F. G. STEPHENS,
I. J. BROWDER,
J. A. SIMPSON,
Committee from the Senate.
CARL M. MCGOWIN,
R. H. HILL,
J. D. L. BYARS,
Committee from the House.

And the Senate has also concurred in the House amendment to said bill, as provided in said Conference Report.

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Taylor the House concurred in and adopted the report of the Committee of Conference on the disagreement of the two Houses on the House amendment to the bill, S. 125, said Conference Report being set out in the above and foregoing Message from the Senate.

Yeas, 55; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Denson	Matthews	Sanford
Adams	De Vane	Merrill	Shaver
Bateman	Dominick	Miller	Sightler
Boswell	Douglass	McDermott	Sparks (Barbour)
Braswell	Goodwyn	McGowin	Spence
Bridges	Haley	McPhaul	Steele
Buffington	Hall	Norman (Bullock)	Street
Bulger	Hanks	Owen (Etowah)	Taylor
Byars	Harrison	Parish (Henry)	Todd
Calhoun	Heflin	Quarles	Tolbert
Carter	Hill	Rayburn	Toomer
Castleberry	Kelly	Reid	Waldrep
Connor	Lee (Bullock)	Robertson (Cullman)	Williams
Delony	Long	Robinson (Lowndes)	

—55

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the report of the Committee of Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 126. To amend Section 18 of an Act approved September 14, 1935, and entitled "An Act to create a system of unemployment

compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system and for other purposes"; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act."

Said Conference Report being in the following words and figures, to-wit:

To the Senate and the House of Representatives:

We, your Committee on Conference, appointed to consider the difference between the House of Representatives and the Senate on Senate Bill 126, beg leave to report as follows:

We recommend that the Senate recede from its objections to the House Amendment, and concur in the same.

F. G. STEPHENS,
I. J. BROWDER,
J. A. SIMPSON,
Committee from the Senate.
CARL M. MCGOWIN,
R. H. HILL,
J. D. L. BYARS,
Committee from the House.

And the Senate has also concurred in the House amendment to said bill, as provided in said Conference report.

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Taylor the House concurred in and adopted the report of the Committee of Conference on the disagreement of the two Houses on the House amendment to the bill, S. 126, said

Conference Report being set out in the above and foregoing Message from the Senate.

Yeas, 55; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Denson	Matthews	Sanford
Adams	De Vane	Merrill	Shaver
Bateman	Dominick	Miller	Sightler
Boswell	Douglass	McDermott	Sparks (Barbour)
Braswell	Goodwyn	McGowin	Spence
Bridges	Haley	McPhaul	Steele
Buffington	Hall	Norman (Bullock)	Street
Bulger	Hanks	Owen (Etowah)	Taylor
Byars	Harrison	Parish (Henry)	Todd
Calhoun	Heflin	Quarles	Tolbert
Carter	Hill	Rayburn	Toomer
Castleberry	Kelly	Reid	Waldrep
Connor	Lee (Bullock)	Robertson (Cullman)	Williams
Delony	Long	Robinson (Lowndes)	

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the report of the Committee of Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 109. To provide for the revision, codification, digesting and promulgation of the public statutes of this State.

And said bill, H. 109, as thus amended by the Report of the Committee of Conference, was again read a third time at length and passed by the Senate.

And returns same herewith to the House.

J. E. Speight,
Secretary.

RECESS

On motion of Mr. Dominick the House recessed until 8:30 o'clock P. M.

TWENTY-FIFTH DAY—NIGHT SESSION

The hour of 8:30 o'clock P. M. having arrived the House reconvened.

REPORT OF STANDING COMMITTEE ON ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Enrolled Bills reports that it has examined the following House Bills, and finds same correctly enrolled, to-wit:

H. 147. To amend Schedule 135 of Article XIII, Chapter 1 License Schedule of an Act to provide for the General Revenue of the State of Alabama approved July 10, 1935.

Also:

H. 156. To authorize cities, towns and counties of Alabama, having a population of 90,000 or over, to acquire sites for, and to acquire, establish and maintain Public Museums and Art Galleries, and to authorize the Administration thereof by instrumentalities selected by the governing bodies of such cities, towns and counties.

Also:

H. 125. To amend Section 51, of an Act approved August 23, 1927, entitled: An Act To provide a general system of legislation pertaining to public roads, highways and bridges, including therein the establishment of a State Highway Department and State Highway Commission; to create the office of Alabama Highway Director in Alabama; to define and regulate the powers, duties and authority of the State Highway Commission and of local authorities, boards of revenue, courts of county Commissioners, municipalities or like governing bodies; to provide authority and empower the Board of Administration to make agreements and contracts with the State Highway Commission for convict labor and let contracts for signs, advertising, etc., on highways; to define and provide rules of the road, including traffic regulations, penal violations, duties of owners and drivers and the regulation as to size, weight and equipment of motor vehicles moving over, along, or upon such roads; to provide for the establishment, discontinuance, working and maintenance of public roads, bridges and ferries; to provide for the establishment and maintenance of private roads; to provide for State Bonds for construction and maintenance of roads, issue and sale of; Good Roads Day established; Offenses concerning toll bridges, turn-pikes and causeways; protecting bridges from floating logs and to provide against injury to mill dams, bridges, canals and road gates; to provide for working of

public roads, persons liable and persons exempt from road duty; to provide for railroad tracks, bridges, viaducts and tunnels; and the repeal of all laws and parts of laws in conflict with the provisions of this Act, except such laws pertaining to revenue.

Also:

H. 100. To amend Section 9709 of the Code of Alabama of 1923 relating to transportation companies as defined therein.

T. H. Street,
Vice-Chairman.

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 103. To authorize the Board of Revenue of Houston County, Alabama, to levy and collect a privilege tax on all persons, corporations, co-partnerships, companies, agencies, associations and refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naphtha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil" "fuel oil" or "crude oil" commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; to authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; to make provisions for the distribution of the funds derived from said privilege tax; to prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis; to repeal the municipal privilege, excise and or license taxes on gasoline, Wocopep, or any other motor fuel, used by self propelled vehicles which may now be collected or levied by and incorporated city or town

in said county; to provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; to repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective.

Also:

S. 125. To amend an Act approved September 14, 1935, entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefit; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system and for other purposes"; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act. This Act being approved September 14, 1935.

Also:

S. 126. To amend Section 18 of an Act approved September 14, 1935, and entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled "An Act to provide for the establishment

of a national employment system and for cooperation with the states in the promotion of such system and for other purposes"; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act."

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate accedes to the request of the House for a Committee of Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 11. To propose an amendment to the Constitution of Alabama to be known and designated as Article XXIV thereof, to provide that it shall be unlawful for the Comptroller of the State of Alabama to draw any warrant or other order for the payment of money belonging to or administered by the State of Alabama upon the State Treasurer unless and until it shall have been certified to such Comptroller by such treasurer in writing that there is then in the hands of such treasurer money available and appropriated for the full payment of the same, and to provide that all appropriations now or hereafter made shall be either absolute or conditional, and to define absolute appropriations and conditional appropriations, and to provide which appropriations shall be absolute and which appropriations shall be conditional, and to provide that all unpaid conditional appropriations which exceed the amount of money in the State Treasury at the end of each fiscal year available for their payment, shall become null and void to the extent of such excess, and to prohibit any discrimination in the payment of conditional appropriations, and to order an election for the quali-

fied electors of the State of Alabama upon such proposed Article XXIV to be held on the first Tuesday after the first Monday in November, 1936.

Conferees on the part of the Senate Messrs. Rogers of Mobile, Mooneyham and Carlton.

J. E. Speight,
Secretary.

REPORT OF STANDING COMMITTEE ON ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Enrolled Bills reports that it has examined the following House bills, and finds same correctly enrolled, to-wit:

H. 109. To provide for the revision, codification, digesting and promulgation of the public statutes of this State.

Also:

H. 360. "To provide for the conversion or exchange of coupon bonds into registered bonds of the same series, denominations and maturities and for the conversion or exchange of registered bonds into coupon bonds of the same series, denominations and maturities so that coupon bonds and registered bonds of the same series, denominations and maturities shall be interchangeable, at the option of the holder thereof, of all bonds of the State of Alabama of every kind and character heretofore issued which constitute a direct obligation of the State of Alabama and for the payment of which the full faith and credit of the State of Alabama is pledged; to provide for such conversions or exchanges; to fix the duties of the Governor and State Treasurer relative thereto; to fix the fees to be paid for such conversions or exchanges; to provide for the period during which no such conversions shall be made; to provide for an additional clerk for the State Treasurer; and to provide for the repeal of all laws and parts of laws, general, special, local and private, in conflict with the provisions of this Act."

T. H. Street,
Vice-Chairman.

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

RESOLUTION

Mr. Miller offered the following resolution:

By Mr. Miller:

H. R. 97. Whereas, Miss Mattie Singleton, the telephone operator, has at all times endeavored to be of service to the members of this House and its officers and clerical help and

Whereas, she has rendered valuable and efficient service; Therefore

Be it resolved, that we extend to her our sincere thanks for her untiring efforts for this service.

On motion of Mr. Miller the rules were suspended and the resolution was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has discharged its Conference Committee heretofore appointed to confer with the conferees of the House on the disagreement of the two Houses on the Senate amendment to the bill:

H. 11. To propose an amendment to the Constitution of Alabama to be known and designated as Article XXIV thereof, to provide that it shall be unlawful for the Comptroller of the State of Alabama to draw any warrant or other order for the payment of money belonging to or administered by the State of Alabama upon the State Treasurer unless and until it shall have been certified to such Comptroller by such treasurer in writing that there is then in the hands of such treasurer money available and appropriated for the full payment of the same, and to provide that all appropriations now or hereafter made shall be either absolute or conditional, and to define absolute appropriations and conditional appropriations, and to provide which appropriations shall be absolute and which appropriations shall be conditional, and to provide that all unpaid conditional appropriations which exceed the amount of money in the State Treasury at the end of each fiscal year available for their payment, shall become null and void to the extent of such excess, and to prohibit any discrimination in the payment of conditional appropriations, and to order an election for the qualified electors of the State of Alabama upon such proposed Article XXIV, to be held on the first Tuesday after the first Monday in November, 1936.

And has appointed a new Conference Committee consisting of Messrs. Fletcher, Kelly and Stephens to confer further with the

conferees of the House on the disagreement of the two Houses on the Senate amendment to said bill.

And returns same herewith to the House.

J. E. Speight,
Secretary.

ROLL CALL

Mr. Harrison moved a call of the roll of the House to ascertain if a quorum was present and the motion was adopted.

On a call of the roll of the House the following members answered to their names:

Messrs.:			
Mr. Speaker	Dominick	Lusk	Rayburn
Adams	Douglass	Matthews	Reeder
Arnold	Glover	Merrill	Reid
Austin	Goodwyn	Miles	Robinson (Lowndes)
Bateman	Haley	Miller	Shaver
Boswell	Hall	Moore	Sightler
Braswell	Hanks	McGowin	Sparks (Barbour)
Bulger	Hare	McPhaul	Steele
Byars	Harrison	McDermott	Street
Carter	Heflin	Norman (Bullock)	Taylor
Castleberry	Hendley	Owen (Etowah)	Todd
Connor	Jones	Parish (Henry)	Toomer
Davis	Kelly	Petrey	Waldrep
Delony	Langdon	Poole	Welch
Denson	Lee (Bullock)	Quarles	Williams
De Vane	Long		

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A quorum was present.

COMMITTEE APPOINTED

On motion of Mr. Kelly the chair was directed to appoint a Committee to notify the Senate and the Governor that the House was ready to adjourn sine die. The chair appointed Messrs. Denson, Moore and Kelly. The committee reported that the Senate and Governor had no further communications for the House.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 12:25 o'clock P. M., Apr. 17, 1936:

H. 8, H. 133, H. 171, H. 204, H. 256, H. 294, H. 327, H. 329, H. 330, H. 331, H. 369, H. 398, and H. J. R. 90.

Delivered to the Governor at 2:57 o'clock P. M., April 17, 1936:

H. 308.

Delivered to the Governor at 5:25 o'clock P. M., Apr. 17, 1936: H. 355, H. 423, H. 382, H. 314, H. 431 and H. J. R. 91.

Delivered to the Governor at 7:05 o'clock P. M., April 17, 1936: H. 68, H. 136, H. 336, H. 106, H. 337, H. 389.

Delivered to the Governor at 11:00 o'clock P. M., Apr. 17, 1936: H. 100, H. 125, H. 156, H. 147, H. 109, H. 360.

E. F. Taylor,
Clerk.

REPORT OF STANDING COMMITTEE ON REVISION OF JOURNAL

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the House for the Twenty-Fifth Legislative Day and finds same correct.

J. R. Sanford,
Chairman.

The report of the Standing Committee on the Revision of the Journal was concurred in and adopted and the Journal of the House for the Twenty-fifth Legislative Day was approved.

ADJOURNMENT

On motion of Mr. Kelly the House at 11:35 o'clock P. M. adjourned sine die.

R. H. WALKER,
Speaker of the House of Representatives,
Special Session, 1936.

E. F. TAYLOR,
Clerk of the House of Representatives,
Special Session, 1936.

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ACTS AMENDED—

- Amending Sec. 1, Act approved June 19, 1931, relative to motor transportation companies, H. 446, pages 944, 945.
- Amending Sec. 7, Paragraph VII, Sec. 1, Act approved September 6, 1935, relative to expenses of certain Departments of State, H. 443, page 943.
- Amending Sec. 21, Act approved September 9, 1935, Acts 1935, page 803, relative to administration of financial affairs of county, H. 440, pages 937, 938, 939, 940.
- Amending Sec. 2, Act 546, relative to creating State Board of Adjustment, H. 438, page 903.
- Amending Sec. 2, Act approved June 3, 1935, relative to duties of County Treasurer of Tallapoosa County, H. 437, pages 902, 903.
- Amending Sec. 291, Act approved July 10, 1935, H. 433, page 847.
- Amending Schedule 154, Act approved July 10, 1935, H. 429, page 846.
- Amending Schedule 69, Sec. 348, Article XIII, Chapter 3, Act approved July 10, 1935, H. 421, page 789.
- Amending Sec. 344, Act approved July 10, 1935, H. 418, page 789.
- Amending Act approved July 17, 1935, providing for the validation of bonds, etc., H. 417, pages 788, 789.
- Amending Sec. 1, Act approved August 8, 1935, relative to money devised to trust funds, H. 416, pages 788, 904.
- Amending Act regulating purchase of goods for Marion County passed by Legislature 1936, H. 415, pages 787, 788, 847, 914, 915, 1056, 1057, 1091, 1104.
- Amending Schedule 109, Section 348, Article 13, Chapter 3, Act approved July 10, 1935, H. 410, page 785.
- Amending Sec. 1 of Schedule 159, Chapter 5, Article 13, Act approved July 10, 1935, H. 408, page 784.
- Amending Schedule 133, Revenue Act, approved July 10, 1935, H. 403, page 720.
- Amending Act relative to needy aged, H. 402, pages 719, 720, 799, 931, 996.
- Amending Section I through XII, Act approved July 23, 1931, relative to cosmetology, H. 173, pages 155, 345, 392, 393, 394, 613, 640, 668.
- Amending Schedule 129, Act approved July 10, 1935, H. 390, pages 708, 792.
- Amending Sec. 7 of Act approved April 14, 1933, regulating salaries of State employees, H. 388, page 681.
- Amending Act approved July 1, 1927, amending Sec. 8777 of Code as approved August 17, 1923, H. 383, pages 678, 791.
- Amending Schedule 117 of Sec. 348, Article XIII, Chapter 3, of Act approved July 10, 1935, H. 299, pages 410, 449, 450, 794, 795.
- Amending Sections 2 and 4 of Act approved September 14, 1935, relative to Unemployment Compensation Act, H. 378, pages 674, 675.
- Amending Sections 1 and 3 of Act approved July 1, 1927, allowing boxing, H. 377, pages 674, 791, 906, 995.
- Amending Sections 32 and 33, Act approved July 10, 1935, H. 374, pages 673, 792.

ACTS AMENDED—Continued.

- Amending part 7 of subdivision VII of Section 1 and subdivision XVI of Sec. 1 and part 12 of subdivision X of Sec. 1 and part 4 of subdivision VIII of Sec. 1 of Act approved September 6, 1935, relative to appropriations for expenses of certain departments of State, H. 373, pages 673, 795, 912, 927, 928, 929, 930, 1061, 1062, 1063, 1090, 1104.
- Amending Schedule 7 of Section 348, Article 13, Chapter 1, Act approved July 10, 1935, H. 371, page 671.
- Amending Sec. 2 of Act approved in 1931 session, providing for Superintendent of Education of Geneva County, H. 369, pages 624, 625, 686, 741, 842, 1074, 1075, 1112, 1175.
- Amending Sec. 7 of Act 102, approved March 29, 1933, Acts of 1933, page 88, H. 361, pages 623, 683, 987, 997.
- Amending Schedule 158.12, Sec. 348, Act approved July 10, 1935, H. 359, page 622.
- Amending H. B. 324, Article XIII, Schedule 20, approved July 10, 1935, relating to battery shops, H. 354, page 622.
- Amending Sec. 2 of Act approved September 14, 1935, relating to Unemployment Act, H. 351, pages 619, 620, 795, 796.
- Amending Schedule 146 of Sec. 348, Chapter 1, Article XIII, Act approved July 10, 1935, H. 208, pages 241, 509, 996.
- Amending Section 11 of Act approved September 2, 1935, regulating the operation of motor vehicles on the public highways, H. 209, page 241.
- Amending Sec. 2 of Act approved September 2, 1927, creating an additional judgeship for the Tenth Judicial Circuit, H. 213, pages 243, 345, 761.
- Amending Section 216, Act approved July 10, 1935.
- Amending Act approved February 17, 1931, providing for election of Superintendent of Education in Marshall County, H. 239, pages 253, 254, 319, 359, 360, 439, 474, 495, 653, 654, 690, 691, 706.
- Amending Sec. 4 of Act approved September 2, 1935, providing for operation of motor vehicles on public highways, H. 240, pages 274, 689.
- Amending Sec. 142, Act approved July 10, 1935, H. 298, page 410.
- Amending Schedule 23, Section 348, Chapter 1, Article XIII, Act approved July 10, 1935, H. 305, pages 414, 689, 896.
- Amending Sec. 31, Act approved March 29, 1933, relative to purchase of water works system, H. 306, pages 415, 682, 906, 914.
- Amending Sec. 353, Article XIV, Chapter 1, Act approved July 10, 1935, H. 309, page 421.
- Amending Schedule 10, Sec. 348, Article 8, Chapter 1, Act approved July 10, 1935, H. 310, page 463.
- Amending Schedule 6, Sec. 348, Article 13, Chapter 3, Act approved July 10, 1935, H. 319, page 498.
- Amending Schedule 32, Section 348, Article XIII, Chapter 3, Act approved July 10, 1935, H. 320, pages 498, 794, 996.
- Amending Schedule 35, Sec. 348, Article 13, Chapter 3, Act approved July 10, 1935, H. 321, pages 498, 794, 996.
- Amending Schedule 56, Sec. 348, Article XIII, Chapter 3, Act approved July 10, 1935, H. 322, pages 498, 793, 996.

ACTS AMENDED—Continued.

- Amending Schedule 86, Sec. 348, Article 13, Chapter 3, Act approved July 10, 1935, H. 323, pages 498, 793, 996.
- Amending Schedule 43, Section 348, Article 13, Chapter 3, Act approved July 10, 1935, H. 324, pages 498, 793, 996.
- Amending Schedule 24, Sec. 348, Article 13, Chapter 3, Act approved July 10, 1935, H. 326, page 499.
- Amending Subsection K, Schedule 147, Sec. 348, Article 13, Chapter 3, Act approved July 10, 1935, H. 325, page 498.
- Amending Sec. 10, Act approved September 7, 1935, to provide for freeing of toll bridges, H. 327, pages 499, 684, 906, 961, 962, 963, 1094, 1111, 1175.
- Amending Act approved July 8, 1935, to create a commission to lease, etc., highway bridges, H. 328, page 499.
- Amending Sections 4, 8, and 11 of Act approved July 8, 1935, relative to leasing, etc., of highway bridges, H. 329, pages 499, 500, 684, 685, 906, 963, 964, 965, 966, 967, 968, 969, 1095, 1111, 1175.
- Amending Sec. 1 of Act approved August 26, 1935, regulating toll bridges and toll ferries, H. 330, pages 500, 685, 906, 969, 970, 971, 1095, 1111, 1112, 1175.
- Amending Sec. 7, Act approved July 10, 1935, relative to toll bridges, H. 331, pages 500, 685, 906, 971, 972, 973, 974, 1095, 1096, 1112, 1175.
- Amending Sections 2, 4, 10, Act approved October 6, 1932, regulating use of motor trucks, H. 332, page 501.
- Amending Sec. 12 of subsection X of Sec. 1 of Act approved September 6, 1935, relative to expenses of certain Departments of State, H. 334, page 501.
- Amending Schedule 79, Sec. 348, Article 13, Chapter 3, Act approved July 10, 1935, H. 335, pages 502, 793, 996.
- Amending Act approved August 9, 1935, relative to terms of annuity contracts or insurance policy, H. 339, pages 502, 503, 789, 790.
- Amending Sec. 4 of Act approved July 10, 1935, H. 348, page 617.
- Amending Sch. 12, Sec. 348, Chap. 1, Art. XIII, Act approved July 10, 1935, H. 281, pages 342, 837.
- Amending Sec. 348, Sch. 147, Act approved July 10, 1935, H. 279, page 342.
- Amending Sch. 147, Sec. 348, Art. XIII, Chap. 3, Act approved July 10, 1935, H. 278, page 342.
- Amending Sch. 77, Sec. 348, Art. 13, Chap. 3, Act approved July 10, 1935, H. 277, pages 342, 508.
- Amending Sec. XIX, Act approved September 6, 1935, making appropriation for executive, legislative and judicial departments, H. 275, pages 341, 342.
- Amending Act approved September 2, 1935, regulating the financing of public improvements, H. 271, pages 315, 794, 912, 913, 1059, 1090, 1104.
- Amending Sch. 1 of Sec. 348, Art. 13, Chap. 3, Act approved July 10, 1935, H. 264, pages 313, 792, 958.
- Amending Act approved September 6, 1927, as amended November 9, 1932, relative to collection of licenses, H. 262, pages 311, 383, 765, 766.

ACTS AMENDED—Continued.

- Amending Sec. 161-A, Act approved July 10, 1935, H. 255, page 306.
- Amending Sec. 370-A, Act approved July 10, 1935, H. 254, page 306.
- Amending Sec. 23 of Act approved July 10, 1935, H. 353, page 306.
- Amending Sub-Sec. D of Sec. 1 of Act, September 2, 1935, relating to public school system, H. 244, pages 280, 384, 906, 983.
- Amending Sec. 5 and adding Sec. 4½, Act approved September 2, 1935, relating to Public School System of Alabama, H. 243, pages 279, 280, 384, 385, 851, 906, 983.
- Amending Act approved September 14, 1935, relating to Unemployment Compensation Fund, H. 204, pages 215, 216, 265, 447, 448, 449, 477, 1078, 1106, 1107, 1175.
- Amending Sec. 2 of Art. 2 of Act approved October 28, 1932—Alabama Motor Carrier Act, H. 199, pages 209, 210, 286, 287, 455, 456, 457, 458, 459, 460, 461, 476, 477.
- Amending Sec. 3 of H. 525, Act approved June 12, 1935, fixing compensation of Judge of Probate in Tuscaloosa County, H. 191, pages 204, 205, 262, 263, 300, 301, 614, 641, 668.
- Amending Act approved July 10, 1935, H. 129, pages 85, 996.
- Amending Sch. 133, Sec. 348, Chap. 1, Art. XIII, Act approved July 10, 1935, H. 131, pages 85, 266.
- Amending Sec. 142 of Art. V of Act approved July 10, 1935, H. 132, pages 85, 257, 836, 893, 894, 895.
- Amending Sec. 103, Art. 4, Act approved July 10, 1935, H. 133, pages 86, 257, 450, 451, 475, 1106, 1175.
- Amending Act approved August 4, 1931, relative to Etowah County, H. 135, pages 86, 130, 179, 186, 1056, 1089, 1104.
- Amending Sec. 5, Act approved September 11, 1935, relative to adoption of provisions of Wagner-Peyser Act, H. 136, pages 86, 131, 258, 442, 443, 475, 1078, 1085, 1086, 1103, 1140, 1141, 1145, 1160, 1175.
- Amending Sec. 360, Act approved July 10, 1935, H. 137, pages 86, 256, 432, 433, 434, 475, 933, 953, 1014.
- Amending Sch. 77, Sec. 348, Art. 13, Chap. 3, of Act approved July 10, 1935, H. 138, page 87.
- Amending Sch. 135, Art. 13, Chap. 1, Act approved July 10, 1935, H. 147, pages 110, 257, 871, 872, 873, 874, 875, 1146, 1147, 1168, 1175.
- Amending Sec. 178, Art. 6, Act approved July 10, 1935, H. 148, pages 110, 257, 434, 435, 476.
- Amending Act approved June 6, 1935, relative to excise tax on gas to retire road bonds in Franklin County, H. 153, pages 114, 115, 116, 160, 226, 227, 301, 323, 324, 340.
- Amending Sec. 276, Act approved July 10, 1935, H. 158, pages 118, 258, 442, 476, 933, 953, 1014.
- Amending Sch. 146, Sec. 348, Chap. 1, Art. XIII, Act approved July 10, 1935, H. 165, pages 126, 266.
- Amending Sec. 2, Act approved September 2, 1935, relative to Minimum Program School Fund, H. 166, pages 126, 256, 866, 867, 868, 869, 870, 871.
- Amending Sch. 135, Art. 13, Chap. 1, Act approved July 10, 1935, H. 167, page 126.
- Amending Sec. 8, Act approved September 2, 1935, regulating operation of motor vehicles on the public highways, H. 170, pages 154, 264, 296, 1057, 1090, 1104.

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- Amending H. 324, Sec. 215, page 351, Act approved July 10, 1935, H. 172, page 155.
- Amending Sec. of Act approved June 21, 1931, providing for election of County Superintendent of Education of Limestone County, H. 175, pages 155, 156, 217, 333, 494, 530, 615.
- Amending Sch. 158, Chap. 6, Art XIII, Act approved July 10, 1935, H. 178, pages 157, 258, 437, 438, 476, 816, 850, 899.
- Amending Sec. 1, Act approved August 5, 1927, relative to Limestone County, H. 176, pages 156, 157, 217, 333, 334, 736, 737, 738, 810, 811, 837.
- Amending Act approved September 13, 1935, relating to creating of Pilotage Commission, H. 188, pages 201, 202, 260, 445.
- Amending Sec. 87, Act approved July 10, 1935, H. 126, pages 84, 266.
- Amending Sec. 51, Act approved August 23, 1927, relative to general system of legislation for public roads, highways and bridges, H. 125, pages 84, 129, 651, 652, 692, 1143, 1144, 1168, 1169, 1175.
- Amending Act approved September 9, 1935, relative to barbers, H. 123, pages 83, 128, 220, 221, 852, 853, 876, 877, 878, 879, 896, 910, 911, 934.
- Amending Act approved March 15, 1933, amending Sec. 8605 of Code, H. 121, pages 83, 217, 445, 446, 447, 475.
- Amending Sch. 82, Sec. 348, Chap. 1, Art. XIII, Act approved July 10, 1935, H. 112, pages 81, 161, 430, 431.
- Amending Sch. 158.5, Chap. 6, Art. 13, Act approved July 10, 1935, H. 99, pages 64, 257, 435, 436, 437, 475, 933, 952, 1014.
- Amending Sections 3 and 11 of Act relative to operation of motor vehicles, licensing of drivers, etc., H. 98, pages 64, 129.
- Amending Sec. 4, Act approved September 6, 1927, as amended by Acts approved March 5, 1931, July 8, 1931 and July 11, 1935, relative to consolidation of public school system in Montgomery County, H. 93, pages 58, 67, 92, 93, 94, 102, 180, 181, 184, 233.
- Amending Act approved July 8, 1927, relative to Solicitors of Judicial Circuits, H. 86, pages 57, 58, 507.
- Amending Act approved July 8, 1927, providing for election, etc., of a Solicitor for each Judicial Circuit in State, H. 84, page 57.
- Amending Act amending Sec. 5742 of Code, approved July 23, 1931, H. 66, pages 52, 87, 136, 152, 478, 529, 615.
- Amending Sec. 34 of Act approved July 10, 1935, H. 65, pages 52, 258, 295, 296.
- Amending Sec. 3 of Art. 1, of Act approved July 10, 1935, H. 64, pages 52, 89, 141, 142, 152, 339, 347, 362, 531, 532, 533, 612, 640, 668.
- Amending Sections 338 and 344, Act approved July 10, 1935, H. 62, pages 51, 257, 662, 663, 664, 665, 666, 987, 988, 989, 990.
- Amending Sec. 20, Act approved September 13, 1935, relating to State Airways, H. 59, pages 50, 128, 129.
- Amending Sec. 195, Act approved July 10, 1935, relative to final settlement of Tax Collectors, H. 47, pages 38, 61, 77, 92.
- Amending Sec. 202, Act approved July 10, 1935, relative to final settlement of Tax Collectors, H. 46, pages 38, 60, 77, 92.
- Amending Sec. 291, Act approved July 10, 1935, relative to redemption, of real estate sold for taxes and bid in by State, H. 45, page 38.

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- Amending Sch. 123, Sec. 348, Act approved July 10, 1935, H. 41, page 37.
- Amending Sec. 1, Sch. 158.1, Art. XIII, Chap. 5, Act approved July 10, 1935, H. 37, page 36.
- Amending Act approved September 6, 1935, relative to expenses of Executive, Legislative and Judicial Departments, H. 36, page 35.
- Amending Sub-sec. 2, Sec. 2, Act approved September 2, 1935, relative to Minimum Program Fund, H. 33, page 35.
- Amending Act approved October 6, 1932, relative to manufacture, sale, etc., of cereal beverages, H. 30, page 32.
- Amending title and Sec. 3, Act approved August 27, 1935, H. 29, page 32.
- Amending Sec. VIII, Act approved September 6, 1935, relative to expenses of Executive, Legislative and Judicial Departments, H. 27, pages 31, 258, 443, 444, 445, 474, 475, 691, 706.
- Amending Sec. 12 of Act approved July 10, 1935, H. 26, pages 31, 89, 165, 185.
- Amending Sec. 291 of Act approved July 10, 1935, H. 25, pages 31, 88, 163, 164, 165, 185, 428, 529, 615.
- Amending Section 269, Act to provide for Revenue of State, approved July 10, 1935, H. 24, pages 31, 88, 142, 143, 144, 152, 480, 481, 529, 615.
- Amending Sec. 38, Act approved July 10, 1935, H. 23, pages 31, 266.
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- Amending Sec. 1, General Revenue Act, H. 20, pages 31, 60, 75, 76, 91, 236, 237, 269.
- Amending Sch. 158.1, Chap. 6, Art. 13, Act approved July 10, 1935, as amended September 21, 1935, H. 19, pages 30, 60, 72, 73, 74, 75, 91, 658, 659, 667.
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- Amending Sec. 1, Sch. 159, Chap. 5, Art. XIII, Act approved July 10, 1935, H. 16, page 30.
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- Amending Sec. 161-A, Act approved July 10, 1935, H. 8, pages 24, 60, 355, 356, 357, 386, 1085, 1088, 1089, 1106, 1175.
- Amending Sec. 370-A, Act approved July 10, 1935, H. 7, pages 24, 60, 71, 72, 91.
- Amending Sec. 1, Act approved February 25, 1931, providing for and regulating primary elections for nomination of candidates within State, H. 5, page 24.
- Amending Sec. 11, Act approved February 25, 1931, regulating primary elections for nominations of candidates, S. 98, pages 480, 490.
- Amending Sec. 5 and add Sec. 4½, Act approved September 2, 1935, relating to public school system, S. 91, pages 428, 430, 469, 906, 982, 1012.
- Amending Sub-Sec. D, Sec. 1, Act approved September 2, 1935, relating to educational system, S. 90, pages 428, 430, 468, 469, 906, 982, 1012.
- Amending Sections 5 and 12, Act approved September 14, 1935, relative to hospitalization, S. 89, pages 694, 798, 1122, 1123, 1148.

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- Amending Sch. 84, Sec. 348, Art. 13, Chap. 3, Revenue Act, approved July 10, 1935, S. 88, pages 428, 430, 794, 995.
- Amending title and Sections 10, 16 and 17, Act approved September 14, 1935, creating system of Unemployment Compensation, S. 82, pages 479, 480, 1071, 1072.
- Amending Act approved September 13, 1935, relative to pilotage commission, S. 81, pages 328, 330, 385, 445, 485, 486.
- Amending Act approved January 31, 1935, to promote objects of National Housing Act, S. 52, pages 192, 193, 469, 470, 924, 978.
- Amending Sec. 11 and 15½, Act approved April 20, 1933, pages 203-208, General and Local Acts, Special Session 1933, S. 50, pages 268, 472, 473, 893, 906, 999, 1000, 1001, 1002, 1043, 1044, 1058.
- Amending Sch. 7, Chap. 1, Art. XIII, Revenue Acts, approved July 10, 1935, S. 47, pages 236, 792.
- Amending Act approved September 13, 1935, relative to rabies, S. 44, pages 430, 507, 508.
- Amending Act amending Sec. 1255, Code approved July 22, 1931, S. 4, pages 192, 193, 255, 661, 662, 690.
- Amending Act approved May 23, 1931, relative to Walker County, S. 196, pages 1054, 1055, 1056.
- Amending Sub-Sec. XVI of Sec. 1, Act approved September 6, 1935, to make appropriation, S. 195, pages 1077, 1078.
- Amending Sec. 3, Act approved March 10, 1933, designating depositaries for official funds, E. 164, pages 1064, 1065.
- Amending Sec. 7, Act approved September 2, 1935, regulating General Contracting, S. 162, pages 1065, 1072.
- Amending Sch. 133, Sec. 348, Art. 13, Chap. 3, Revenue Act, approved July 10, 1935, S. 156, pages 835, 836.
- Amending Act providing for old age pensions, S. 155, pages 954, 955, 1016, 1141, 1142, 1155.
- Amending Sch. 158.12, Sec. 348, Sub-sec. M, Sec. 10, Revenue Act, approved July 10, 1935, S. 153, pages 816, 817.
- Amending Sch. 158.15, Art. 13, Chap. 6, Revenue Act, approved July 10, 1935, S. 139, pages 781, 782, 951, 1134, 1135, 1155.
- Amending Sch. 42, Sec. 348, Art. 13, Chap. 3, Revenue Act, approved July 10, 1935, S. 137, pages 781, 782, 795, 995.
- Amending Sec. 18, Act approved September 14, 1935, creating system of Unemployment Compensation, S. 126, pages 693, 694, 950, 1092, 1093, 1094, 1132, 1133, 1165, 1166, 1167, 1170, 1171.
- Amending Act approved September 14, 1935, to create a system of Unemployment Compensation, S. 25, pages 751, 752, 904, 1098, 1099, 1100, 1101, 1133, 1134, 1164, 1165, 1170.
- Amending Sec. 31, Act approved March 29, 1933, relating to water works system, S. 124, pages 734, 735, 790, 791, 906, 913, 914, 979.
- Amending Sec. 2, Act approved September 2, 1935, establishing minimum program fund, S. 122, pages 589, 627, 906, 981, 982, 1012.
- Amending Sch. 93½, Sec. 348, Art. 13, Chap. 3, Revenue Act, approved July 10, 1935, S. 115, page 480.

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- Repeal Section 11, Act approved September 14, 1935, creating system of unemployment compensation, S. 82, pages 479, 480, 1071, 1072.
- Repeal Act approved July 17, 1935, relative to validation of bonds, H. 425, page 840.
- Repeal Act regulating money brokers in Jefferson, Walker, Morgan and Etowah Counties, H. 404, pages 720, 721, 797, 886, 887.
- Repeal Act approved September 2, 1935, regulating general contracting, H. 381, page 677.
- Repeal Act regulating business of money brokers or lenders on personal property in Jefferson, Morgan, Walker and Etowah Counties, H. 366, page 624.
- Repeal Act approved August 11, 1927, relative to levy of tax on gasoline in Jackson County, H. 210, pages 242, 285, 286, 331, 332.
- Repeal Act approved March 8, 1933, providing number of days teachers can be absent in Mobile County, H. 277, pages 246, 247, 320, 645, 768, 811, 837.
- Repeal Act approved September 13, 1935, relating to Board of Revenue of Marshall County, H. 238, pages 251, 252, 253, 318, 319, 359, 726, 727, 782.
- Repeal Sec. 1 of Sub-sec. X of Sec. 1, Act approved September 6, 1935, relating to expenses of certain departments of State, H. 334, page 501.
- Repeal Act approved February 14, 1919, relative to absent voters, H. 56, page 43.
- Repeal Act approved September 30, 1919, providing for absent qualified electors to vote, H. 54, page 43.
- Repeal Act to provide for payment of license tax on gasoline in Pickens County, H. 51, pages 41, 68, 95, 407, 425, 462, 695, 920, 980, 981.
- Repeal Act approved September 2, 1935, regulating operation of motor vehicles on public highways, H. 35, pages 35, 912.
- Repeal Act approved September 9, 1935, to revise and amend Chap. 224, Code of 1907, approved September 29, 1923, H. 14, page 30.

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